Association for Diplomatic Studies and Training Foreign Affairs Oral History Project

RICHARD SCHIFTER

Interviewed by: Charles Stuart Kennedy

Initial interview date: September 8, 2003

Q: Today is the 8th of September 2003. This is an interview with Richard Schifter. It's being done on behalf of the Association for Diplomatic Studies and Training and I'm Charles Stuart Kennedy. Do you go by Richard or Dick?

SCHIFTER: Mostly by Dick, in the State Department it's been Dick.

Q: Okay. Well, sort of to begin, could you tell me when and where you were born and then we'll talk a little about the family.

SCHIFTER: I was born in Vienna, Austria in 1923. I came to the United States, alone, in 1938, when I was 15. My parents were killed in the Holocaust.

Q: Let's go back. What, let's talk about on your father's side of the family, what was his background and of the Schifter family and all?

SCHIFTER: My father owned a drugstore in Vienna. He was born in East Galicia, which was at that time part of Austria-Hungary. Between the two world wars all of Galicia was part of Poland. At the end of World War II, East Galicia was incorporated into the Soviet Union. Then, after the break-up of the Soviet Union, it became part of Ukraine.

During World War I my father served in the Austro-Hungarian army. After the occupation of the area then known as Russian-Poland, he was stationed in the city of Lublin. That is where he met my mother. They were married once the war was over and decided to make their home in Vienna.

Q: Now, did he go to the university or?

SCHIFTER: No, no my father's education ended with the eighth grade.

Q: How did he get into the pharmaceutical business?

SCHIFTER: I don't believe that he ever discussed that with me, but I assume that after completing eight years of formal education, he became, like so many of his peers, an apprentice in the trade that he wanted to enter. I assume my father served his apprenticeship, then became a journeyman and finally a "Drogist," as the trade was called in German-speaking countries. It is not quite the same as a pharmacist, in that a Drogist would sell patent medicine but would not compound medicines himself.

Q: And, where did your mother?

SCHIFTER: My mother was born on a farm in the area of Warsaw, halfway between Warsaw and Lublin. My grandfather, her father, was the owner of a rather large tract of land and, I suppose, was what we in the United States would refer to as a gentleman farmer, in that he had a staff that ran the farm for him. My mother grew up on that farm and was very proud of the fact that as a girl she learned to ride a horse. There were no schools in the village in which her family lived. A tutor was brought in to teach her brothers, but the girls were on their own. My mother was totally self-educated and in my opinion, a truly brilliant woman. In addition to her native Yiddish, she was fluent in three languages, namely German, Polish, and Russian. During World War I, while still in her early twenties, she represented two of her brothers, who were in the coal and grain businesses, respectively, in contract negotiations with the Austrian and German armies. I have for years wondered how she acquired all that knowledge and ability. Only recently did I learn details about the "autodidactic movement," which brought many youngsters, both boys and girls, from religious Jewish families together to learn languages they had not learned at home, read books that were banned from their homes, and discuss world affairs. I believe that that movement must have played a key role in my mother's intellectual development.

Q: Well then, do you know what the family name was before Schifter, was it, always had a surname?

SCHIFTER: Jews in the Austrian Empire were given surnames during the reign of Emperor Joseph II, thus in the period 1780-1790. As far as I know, all the Jewish Schifters originated in the city of Czernowitz, the capital of an area known as Bukovina. The city was then located in the Austrian Empire. Between the two World Wars it became part of Romania. After World War II it was in the Soviet Union and now it is located in Ukraine, known as Chernovtsy.

There are other, non-Jewish Schifters, in the Balkans. In the days in which Yugoslavia still existed, I remember being asked by a Yugoslav Foreign Ministry official: "Do you know what your name means?" I said I don't have the slightest idea. He said it means Albanian. He then explained to me that Albanians call themselves Skipetars. As Albanians moved into Slavic-speaking areas, the Skipetar came to be pronounced Shiptar. Further north, where there was a German influence on the Slavic languages, Shiptar turned into Schiftar and then Schifter. The official said to me that if I were to visit Zagreb, the capital of Croatia, and were to look into the phone book, I would find many Schiftars and some Schifters. The next time I was in Zagreb, I did check the phone book, and found that he was right. Later I discovered that one of the assistants to the President of Slovenia bore the name Schifter.

That leads to the question of what relationship there is between the Schifters of the former Yugoslavia, who are not Jewish and the Jewish Schifters of the Bukovina area. My theory has been the following: an Austrian official, by the name of Schifter, may have been stationed in the Bukovina and when they gave out names to Jews, that name was given to one of the Jewish families. It has to be kept in mind that intermarriage under which the descendants would have Jewish identity was not possible at that time.

Q: Isn't that interesting. Well then, 1923, what was, what do you recall of your boyhood?

SCHIFTER: Well, it so happens yesterday was an event in which I was celebrating my 80th birthday, so there was a certain amount of recounting of the past. As far as my boyhood is concerned, what I do remember is that my mother paid an enormous amount of attention to my education and discussed world events with me as they happened. As a result I became greatly interested in geography. I then, somehow, figured out that if you're interested in geography, what you ought to do when you grow up is be a diplomat. So I kept talking about wanting to be a diplomat. Have you been to Vienna?

Q: Yes, briefly.

SCHIFTER: Do you know where our embassy is?

Q: Yes.

SCHIFTER: When I lived in Vienna, the building that is now the U.S. Embassy housed the Austrian Consular Academy. We lived just two blocks away and passed it often. I had somehow found out that diplomats got their training at the Consular Academy. So, whenever we passed the building, I would, at the age of 7 or 8 or 9, point to it and say: that's where I want to go to school. Finally my father took me aside and said: "You have to understand something. You are Jewish. Jews can't get jobs as diplomats, so just forget about that." I was crushed.

Q: Oh, yes.

SCHIFTER: And 50 years later I became a diplomat. and it took 50 years. Indeed, in 1981, as I was walking into the Palace of Nations to take my seat with the U.S. delegation to the UN Commission on Human Rights, I thought of this conversation that my father and I had had around 1931. And I wished that my father and mother had been there to see their son, the diplomat at last.

Q: Well, what was family life when you were young, did you have brothers, sisters?

SCHIFTER: No, no brothers. I was an only child.

Q: How, what do you recall up to, well up to '38 which will take you for 15 years, what do you recall about family life?

Q: Yes.

SCHIFTER: So the typical only-child syndrome.

Q: Oh, yes. Yes, particularly only-child, Jewish middle class syndrome.

SCHIFTER: I guess so.

Q: What about at the dinner table, I mean were you abreast, as you got into your late, eight, nine ten and on, of world events and all?

SCHIFTER: Oh, absolutely. The oldest headline that I remember was: "Stichwahl: Hindenburg-Hitler." It announced the result of the first round in the 1932 German Presidential election, which resulted in General Hindenburg and Adolf Hitler qualifying for the run-off, which Hindenburg won. I looked up that date the other day. It was March 13th 1932. I was eight years old at that time. From then on I really followed the news, both Austrian news and international news. I think it is interesting that you asked me that question because in our family conversations, world events were very much on the agenda, largely focused on what was going on in Europe. My mother spent a great deal of time explaining world events to me. I have in recent years reflected on the fact that decades later I continued to hold the political views that my mother passed on to me: left-of-center but vehemently anti-Communist.

The first time I focused on U.S. politics was in the 1932 Presidential election. On that issue I was not influenced by my parents but by my elementary school teacher. He was a strong supporter of Prohibition, and what we fourth graders in Vienna learned was that Prohibition was the one issue in the election that was really important. So all of us were rooting for Herbert Hoover. We did not even know the name of the other candidate, only that he would end Prohibition. We were all sorry when our teacher told us that Herbert Hoover had lost the election.

Q: Do you?

SCHIFTER: I should add that for the rest of my life I've been a Democrat [Laughter].

Q: Well where did your father and mother fit into the Austrian political spectrum?

SCHIFTER: That's another very, very good question. My father, interestingly enough was, what in Austria was referred to as a Legitimist. That meant that he favored the return of the Habsburg monarchy. Thus my father would refer to the son of the last Emperor, someone who had never been crowned, as the Emperor Otto. I should add that while I served in the State Department I had the opportunity to meet Otto von Habsburg and tell him of my father's support of the return of the monarchy. My mother was a Social Democrat and very strongly for social democracy, but both my father and mother were vehemently anti-Communist. My mother was, therefore, very much in the Menshevik tradition.

When I was a little kid, a really little kid, I was told what terrible people the Communists were. I think I was four years old, when my mother told me about something that happened in the war between the Russians and the Poles in 1920. That was a war in which the Red Army invaded Poland for a while but was later expelled. During that period, as my mother told the story, one of her female cousins became a commissar of the town in Poland in which she lived. At one point, her brother came to see her to ask: "What are you going to do about our father? He is in prison." Her response, as it was related to me, was: "A Bolshevik has neither father nor mother." I was told that story at the same time that I was being drilled on the fact that the most important of the ten commandments was the commandment to honor your father and mother. So it was, as I say, very early on when I was told Communists are very bad. That colored my political views as they developed in later years.

Q: It surely did. Well, where in the Judeo-religious spectrum, where did your family fit? What sort of religious education, if any, were you getting?

SCHIFTER: I received religious education. You have to keep in mind that public schools in Vienna had religious education for all. Most of the students were Roman Catholics. In the schools that I attended, Jews were the second-largest group. There were only few Protestants and Eastern Rite Catholics. Catholic and Jewish religious instruction was built into the daily curriculum. Teachers for Protestant students and other denominations would visit the school at regular intervals, but there would be no organized classes for these denominations.

Q: But at home, now were you Orthodox or?reformed?

SCHIFTER: As far as I know, in those days in Vienna we did not have reformed or conservative congregations. The distinctions that I recall would be distinctions between those who identified themselves with Jewish religious practice and those who did not. The former group ranged from the ultra-Orthodox, who would abide by all the practices, to what I would call the quasi-Orthodox, those who pretended to abide by all the practices, but would take short-cuts. Those who did not even pretend to follow the religious practices ranged from those who paid no attention at all to them to those who would occasionally identify themselves with these practices. I would say that our household was quasi-Orthodox. I did have a tutor who taught me Hebrew and prayers.

Q: Well, did, at school, what was your impression of the Austrian school system at that time?

SCHIFTER: It was, I believe, excellent. Let me put it this way, when I got to the United States, when it came to mathematics, the sciences, English and German, it was clear that I had gotten a very good education?geography too. When it came to history, I did see as sharp difference in approach. In Austria, it was a matter of learning names, wars, and dates. What struck me about history teaching when I went to high school in New York, was that I was given a lot of substance, a real understanding of historic evolution.

Q: Well the European system, particularly, as it was then and to some extent was quite rigid. I mean you learn certain, there wasn't much, you didn't talk back to the teacher.

SCHIFTER: That's right, you did not. Basically you were just instructed. Yes, that was something that was quite striking. Shifting from schools in Vienna to schools in New York I could see that great difference. But, let's put it this way, in terms of enabling one just to absorb knowledge, the Viennese schools were excellent.

Q: Oh, yes.

SCHIFTER: In terms of the understanding the social sciences, they were not.

Q: Well then, up to the time prior to, the Anschluss was when in '38 or?

SCHIFTER: Yes. March of '38.

Q: Well sort of up to that time, I mean you're moving along, you're a young lad in your teens. How much did you find being Jewish played on your life with your colleagues and all that?

SCHIFTER: It was very, very important. It was clear that antisemitism was all around us, it was an important element in the society in which we lived. We used to look at the world as divided between Jews and non-Jews. I have had occasion to say that having grown up as a Jew in Vienna in the inter-war years, I could have an understanding what it meant to grow up black in Mississippi in the days of rigid segregation.. I recall that after I had been in the United State for about six months, I realized that as I would encounter people, I had stopped thinking of them as Jews or non-Jews, as I had in Vienna.

Q: Well, I mean, did you find that you had Jewish friends and not Catholic friends?

SCHIFTER: Yes. It's amazing, you really know your business with the questions you're asking. When I had my Bar Mitzvah, my parents gave three parties, One was for my friends, all Jewish. The other two parties were for my parents' friends: one for the Jewish friends, one for the non-Jewish friends.

Q: Well, did you have much time to get out in the streets and run around or were you pretty well kept at home studying?

SCHIFTER: When I was in elementary school, we were right across from a park, the Liechtenstein Park and that's where I used to play. Once I was in secondary school, I joined the Boy Scouts. Come to think of it, that was a mixed group.

Q: That's interesting because you know in Germany, even when I was there in Frankfurt in '57, '58 they had Catholic and Protestant Boy scout troops.

SCHIFTER: As I mentioned, there were hardly any Protestants in Austria. Vienna was close to 90 percent Catholic and about 10 percent Jewish. In the industrial workers' districts there were hardly any Jews. Wealthy Jews lived in the first district, poor Jews lived in the second district, and middle class Jews lived in other districts north and west of the first district. We lived in the ninth district, which was about 25 percent Jewish and 75 percent Catholic.

Q: Did you live above the store or?

SCHIFTER: No, but not very far from it.

Q: Well, were you able to get out and sort of?

SCHIFTER: As a Boy Scout I did. With the Boy Scouts, I used to go on excursions into the Vienna woods.

Q: What about Dollfuss? I'm not sure when he came into office, but this was a Fascist type?

SCHIFTER: That is the history that I lived through. Politically, Austria was divided into three segments: by the early 1930s, it was about one third Nazi, one-third Christian Social Party, which was the Catholic party, one-third Social Democrats. There was also a Communist Party, which was insignificant in Austria, and a Greater Germany party, which was absorbed by the Nazis and the Christian Social Party. So under these circumstances the country was, in a way, ungovernable because nobody had a majority and none of them could form a coalition with any of the other. There was also a geographic tilt to Austrian politics. Vienna was majority Social Democratic. The provinces were where the Christian Social party was in control and then there were the Nazis in both places.

In 1933, when Dollfuss became Chancellor and concluded that it was impossible to form a government with majority support, he suspended the democratic constitution, abolished the political parties and then governed by decree. In February 1934 the Social Democrats revolted and the revolt was put down by the army, allowing Dollfuss to stay in power..

Q: I remember those pictures showing the workers area with arches over the streets and all that?

SCHIFTER: Right.

Q: Sort of what was it, these were new type, I don't know, was Bauhaus or something type buildings that were supposed to be the workers' paradise.

SCHIFTER: Yes, they were public housing projects built by the City of Vienna. What you saw was probably the Karl Marx Hof.

Q: Karl Marx, yes.

SCHIFTER: The Socialist municipal government of Vienna undertook a major public housing program from 1920 onward . Public housing projects with their distinctive architecture and the inscription "Built by the Municipality of Vienna" could be seen in various parts of Vienna. But then there was also the large public housing complex that was called the Karl Marx Hof. It was said that it had been built in a way that would allow it to withstand armed attack. It was located in Heiligenstadt, in the North of Vienna.

Q: Did you get into, I mean as a kid, were you seeing, I mean you were pretty young then, was this something that you took off the streets or were you watching things or?

SCHIFTER: Oh, I knew what was going on in February 1934. We were all aware of the fact that there was a mini-civil war in the city, with the armed wing of the Social Democrats, called the Republican Protection League, on one side, and the Austrian army and a paramilitary organization, known as the Heimwehr, on the other side. The Heimwehr was closely associated with the Christian Social party.

I still remember that one of my cousins was punished by his parents for actually just walking into the area where the fighting was going on at that time.

I also remember very distinctly that in July 1934, Chancellor Dollfuss was assassinated by the Nazis.

Q: Well as a kid, while these things are going on, were you looking over your shoulder. Was your family wondering about what was going on in Germany and also Italy?

SCHIFTER: At that time we were looking to Italy for protection. The hope was that once Hitler had come to power, Austrian independence would be guaranteed by Mussolini. Strange as it may seem, at the very beginning there was not a great deal of concern about the Nazi accession to power. I vividly remember walking with my mother in what must have been early 1933 and her encountering an acquaintance. They stopped to talk to each other about the German election in which the Nazis had done so well. The comment of the acquaintance, who was Jewish, was "Thank God, not the Communists." I followed political developments throughout 1933. In the summer of 1933 there was quite a bit of tension between Austria and Germany. That is when we became concerned and assumed that Italy would provide protection for Austria.

Q: Were you getting a solid dose of Austrian nationalism and I was wondering if this played about our loss in power or something, how was this, what were you getting in school?

SCHIFTER: As the months passed, I was highly conscious of the fact that as Jews we were threatened. Everything was then interpreted in terms of what does it mean for us. We understood that the Catholic government of Austria would protect us against the Nazis even though that government discriminated against Jews, particularly in government employment. For example, as far as I know, no new Jewish teachers were hired after 1934. But as we watched developments in Germany, we wanted Austria to remain independent, beyond the reach of the Nazis. As I said, we assumed that Mussolini would protect Austria.

Q: Did you get any feel about the former areas of the Austrian empire and particularly Slovakia and Croatia, I mean were these, were there residue groups in your school or otherwise or did one pay much attention to these places?

SCHIFTER: We just knew that this had all been part of Austria-Hungary. No one that I know gave any thought to reclaiming Slovakia or Croatia. The only area beyond Austria's borders that Austria wanted to reclaim was German-speaking Southern Tyrol, but that claim was shelved in light of the special relationship with Italy. Oddly enough it was largely among Jews that there was a continued longing for the Austria-Hungarian Empire and the Hapsburgs. The fact that a Habsburg Emperor, Joseph II, had played this key role in emancipating the Jews in the 1780s had not been forgotten.

Q: What sort of books were you reading as a kid, do you remember any ones in particular that impressed you?

SCHIFTER: Well, most of us kids, boys, would read Karl May.

Q: Oh, yes. Old Shatterhand and all that so to speak.

SCHIFTER: Yes, and what is truly strange is that less than twenty years after I had read Karl May and had read so much about the hard-fighting "Sioux Ogallalla," I became General Counsel to the Oglala Sioux Tribe of South Dakota.

Q: [Laughter]. You've got to explain who Karl May was.

SCHIFTER: Okay, Karl May was a German writer who I think probably wrote about 80 novels, many of them on American Indian themes. One of the heroes of his series of books on American Indians was Old Shatterhand who would travel with the Indian hero by the name of Winnetu. Karl May wrote novels on other themes as well, but his novels about Indians in a 19th Century setting were by far the most popular. I understand they are still very popular.

Q: I understand Karl May never went to the United States.

SCHIFTER: No, he never went to the United States. I don't know where he picked up his knowledge of American frontier life.

Q: The whole generation of anybody, certainly from the Germanic side of Europe, grew up with these things. I mean Dick, generations after generations and they were going strong when I was in Germany. I don't know if they are today, but that's interesting.

SCHIFTER: Yes. They are.

Q: Well, did, prior to the Anschluss, during Munich, how did the Czechoslovak crisis play out, I mean do you recall, I mean was it the family?

SCHIFTER: The Anschluss occurred in March 1938. By the time of the Munich crisis, in the fall of 1938, we were eager to leave. I suppose we were of two minds about the Munich crisis. On one hand we thought that a war could bring the Hitler regime to an end. On the other hand, we were right there, where the war would take place. As I recall it, our reaction to the Munich agreement was probably a matter of regret, but our preoccupation at that point was with the question of what would happen to us.

Q: Naturally, obviously, that was what happened before the Munich agreement. When the Anschluss came, what happened, you know, I've seen these horrible pictures of elderly Jewish men being forced to scrub the sidewalks and stuff like that, how did this hit you all?

SCHIFTER: Okay, let me tell you about that period. First of all what happened was that, Schuschnigg?

Q: He was the chancellor wasn't he?

SCHIFTER: Yes. One day, I think in February 1938, it was announced that Chancellor Schuschnigg had been summoned to Berchtesgaden to see Hitler and had indeed gone there to meet with him. Schuschnigg, who had succeeded Dollfuss, led an authoritarian government that followed the policies of the Christian Social party and was very close to the Catholic Church. After his return from Berchtesgaden we gradually began to see a change in state policy, an opening to both the Social Democrats and the Nazis. We were particularly struck by the rapprochement with the Social Democrats.

Let me, at this point, say a few words about the historical background. What I remembered from my childhood were the May First Celebrations of the Social Democrats. The street on which I lived was the main route from the outlying districts to the city center. Many of the industrial workers, who were mostly Social Democrats, lived in these outlying districts of the city. Every year, on May 1, which was an official holiday, the equivalent of Labor Day in the United States, large numbers of them would march to the city center to celebrate the day and, with it, the labor movement. As they would come down the street on which I lived, I would watch them from the window of my room. I still remember their banners and the slogans on these banners: "Nie wieder Krieg," which means "Never again War,' an"The World War had Twenty Million Victims." That referred, of course, to the First World War. The May Day demonstrations were prohibited in 1933 and no Social Democratic demonstrations had occurred for years, when, on an evening in February 1938, I heard the noise of a crowd coming closer and closer down our street. And there they were, the industrial workers from the outlying districts were marching down our street again. Right in front of our house I saw them encounter a group of Nazis, who tried to heckle them. These industrial workers were really physically strong men. The Nazis may have been university students. The two groups clashed and the Nazis got beaten up quite badly.

Q: Well, when the Anschluss came?

SCHIFTER: As I read some years later, Schuschnigg had promised Hitler during his February 1938 meeting in Berchtesgaden to let the Nazis take public office in Austria and had followed through on that promise. But he also did something that Hitler had not asked him to do: he reached out to the Social Democrats. And then he announced that he would hold a referendum on March 13 on the question of whether Austria should remain and independent state. Now that a basis had finally been found for the Catholic party and the Social Democrats to come together, we though that the referendum would carry two to one in favor of independence. But then on Friday, March 11, two days before the day scheduled for the referendum, my parents had picked up a rumor that there was going to be a very important address by the Chancellor that night. When my parents came home from their work at the store, we turned the radio on. Rather than following the usual program, Radio Vienna was playing solemn music. That was always an indication that something had gone wrong. Then we heard the announcement that the Chancellor would speak. Next we heard the words of the Chancellor. In a tired tone he announced that he had received an ultimatum from Germany, that we can expect the German armies to cross into Austria shortly. Under these circumstances, he said, he had decided to resign. His last words were: "May God protect Austria."

My parents and I sat there dumbfounded. A short while later Seyss-Inquart, who was taking over as Chancellor, succeeding Schuschnigg, began to speak. He was a Nazi, who later served as the German Governor of the Netherlands and was for his actions there sentenced to death in Nuremberg and was executed. My parents and I never debated what to do next. It was immediately clear that we were going to try to get to the United States as soon as possible. My father had relatives in the United States and my father immediately wrote a letter to these relatives asking for an affidavit of support. But then he made a serious mistake. If he had registered with the American Consular Section immediately, as soon as it was agreed that we should emigrate to the United States, it would not have taken a long time for him and for my mother to qualify for visas. But my father thought he needed the affidavit of support first, so he waited for the affidavit to arrive and register then. He registered 26 days after the Anschluss and that proved to be too late. As my father and mother had been born in what was then Poland, they qualified for immigrant visas on the Polish quota. That quota, which I believe was about 6000 per year, had become heavily over subscribed in the few weeks of the delay. As a minor, I was on the Polish quota as well. However, when it became clear that it was not possible for my parents to qualify promptly for U.S. Immigrant visas and they found out that I, as a native of Austria, could qualify for a visa if my application were separated from theirs, my parents promptly arranged for such separation. I got my visa and left in December.

Q: No. Well, prior to leaving, what happened to you?

SCHIFTER: In preparation for the referendum scheduled for March 13, the Austrian government had seen to it that slogans to vote yes had been painted in various public places, including sidewalks. After the Nazis had taken over, storm troopers would round up Jews on the street and force them to scrape these "vote yes" slogans off the sidewalks.

Q: What happened in school?

SCHIFTER: By then I was in ninth grade. In my class there were nine Jews in a class of 35, I think. After the Anschluss the schools were closed for one week. When we went back to school, arrangements had been made for us nine Jews to be segregated from the rest of the class. The seats in our classroom were benches, with three students per bench. The new seating arrangement was for the nine Jews to occupy the last three benches on one side of the classroom, with an empty bench in front of us. That arrangement lasted for about two months.

After two months the system of segregation within each classroom was superseded by an arrangement for segregated classes. To fill the classes with enough Jews at our school, some of the secondary schools in Vienna were made, to use the Nazi term, judenrein, that means "cleansed of Jews." The Jewish students who had attended these schools were transferred to other schools so as to make it possible to form all-Jewish classes. At the same time, the entrances and staircases at my school were also segregated: one entrance and one staircase for Jews. The other entrance and staircase for non-Jews. The schoolyard, where we would go during breaks, was closed to Jews.

Q: What about the Jewish families that your parents had, were they making some of the same decisions or??

SCHIFTER: Everyone that we knew focused on emigration. This was totally different from what had happened in Germany after the Nazi take-over in 1933. In Austria and Vienna it was very clear from the very beginning that we must leave. So everyone that we knew was making plans to try to get out of there.

As to what happened while I was still there: on an evening in October '38, the day of my parents' wedding anniversary, my parents went out together. While they were out, a policeman came to our apartment and asked for my father and mother. I said they weren't home, that they were out for the eveninHe said that as soon as they returned, I had to tell them to go to the nearest police station without delay. So, when they came home, I said the police had been looking for them and they were supposed to go to the police station. I remember them looking at each other and they said okay and went. That night they didn't come home. And I still remember that I lay in bed awake for most of the night, with my teeth chattering uncontrollably. In the morning I began to check around and was told that they might be at the nearest police lockup, which was located in the central office of the Vienna police administration. I got dressed and walked over to that office building. By the time I got there a crowd was in front of the jail. They had also found out that some relative was in that lockup. As time passed, the crowd continued to grow. We were just waiting, stood there all day. Toward the end of the day, that would have been October 28, 1938, some of the people who had been detained started coming out of the building and told the people who were waiting that they understood that everyone was going to be released.

Around 6 PM my mother came out and told me that they had not been mistreated. She said: "Let's go home" and explained that my father would be released shortly, too. He was, and that was the end of that event. It turned out that on the night of October 27, all Jewish residents of Greater Germany who had been citizens of Poland had been arrested. A few months earlier all these Jews, including my parents, had been deprived by Poland of their citizenship and were, as a result, "stateless." While my parents were told to get out of the country as soon as possible, Jews from other parts of Greater Germany were shipped to the Polish border and told to cross into Poland. But the Poles did not let them in, so they camped in "no man's land" for a while. After a while the Nazis relented and let them return home.

But that was not the end of this story. A few days later, the son of one of the families that had been camping at the Polish border, who was then in Paris, shot one of the officers at the German Embassy in Paris. That event led to the next episode, which occurred on the night from November 9 to 10, 1938, the night that came to be known as Crystal Night. It so happens I was ill on those days. I was in bed when my father, who had gone out for a while, came home ashen-faced, saying that the storm troopers were picking Jews up on the street. He crawled under my bed. The idea was that if the storm troopers would have come for him, we would say he was not home. I should add that my father was home because he was no longer working. He had been compelled to sell the store for a mere pittance. It was sold to a man who had worked for my father for the preceding nineteen years, and to whom and to whose family we thought we were quite close. It turned out that, during the time that the Nazi party had been outlawed, he had been a member of what then was an illegal party. For that he was rewarded by benefitting from my father's forced sale of the store.

At any rate, on the afternoon of November 10, with my father still hiding under my bed, my mother, who, on the basis of her looks was able to pass as non-Jewish, went out to see whether conditions had improved. She came back to report that the storm troopers had stopped roaming the streets.

Q: What, before we take to what happened to you, what do you know about what happened to your parents?

SCHIFTER: My parents smuggled themselves, literally smuggled themselves, across the Polish border in early '39. They were expecting to emigrate to the United States and they were going to wait, to await their visas by staying with their respective families in Poland. So my father went to stay with his sisters in East Galicia and my mother went to stay with her relatives in the Warsaw area. Then the war broke out and Poland was divided between Germany and the Soviet Union. My mother was on the German side and my father was on the Soviet side. During the next two years I tried to find ways for them to get to the United States. I corresponded with lots of people, including the First Lady, Eleanor Roosevelt, and tried to figure out if there was a possibility of getting them to some other country, such as the Dominican Republic, temporarily, until their name was reached on the waiting list. I failed in my efforts. As it turned out, the one place they could have gone to at that point was Shanghai, but never focused on that possibility. I have often thought that if I then had had the professional skills that I later acquired, I could have saved my parents.

After the Soviet Union was invaded and the area in which my father had taken refuge was occupied by the Germans, my father was able to join my mother in the ghetto of Lublin, the very city where they had met and fallen in love twenty-five years earlier. The last message I got from them, transmitted through the Red Cross, was dated January 1942. From what I read after the war, I assume they were killed in the death camp Maidanek, when the so-called remainder ghetto if Maidan-Tatarski was liquidated in November 1942.

Q: Well, then how did you get to the United States, you took a ship, I guess?

SCHIFTER: Yes, I took a train to Rotterdam and then took a boat from Rotterdam to Hoboken, that is to the harbor of New York.

Q: So you had family in?

SCHIFTER: Yes, my grandmother's brother was in the United States and his family, as was the family of one of my father's brother, who had died a few years earlier. There were also more distant relatives and one of them was well to-do enough to provide me with an affidavit of support.

Q: What were conditions like in the ship going over?

SCHIFTER: Very nice, very pleasant. There were over a thousand of us who were refugees from Germany on the ship. The reason why I know that is that on the day after our arrival in New York, the New York Daily News and the New York Times wrote accounts about the fact that the New Amsterdam, the ship on which we came, had arrived with, I think, 1,200 refugees. There was a picture of a crowd of us on the ship, including me, looking at the Statue of Liberty.

Q: Did you have any problems with immigration? Did you go through Ellis Island?

SCHIFTER: No, Ellis Island had been closed by then.

Q: I was going to say that?

SCHIFTER: What I do remember was that as we were standing in line, the immigration officer would every once in a while shout something sounded to me like "heiss," which was the German word for "hot." I wondered whether the crowd surrounding him made him feel uncomfortable. Then I realized that what he was shouting was "HIAS," the acronym for the Hebrew Immigrant Aid Society. He shouted "HIAS" whenever he finished the paper work on a Jewish immigrant. A representative of HIAS would then come forward and assist the immigrant.

Q: Okay, well what happened to you then?

SCHIFTER: Let me tell you about the Consul, the Vice Consul who gave me my visa, whose diplomatic career I followed for many years.

Q: This was in Vienna?

SCHIFTER: In Vienna. It was Frederick Reinhardt, do you remember him?

Q: Oh, yes. Certainly, I mean he was a distinguished ambassador to Italy, I mean a very distinguished?

SCHIFTER: Yes, and he was the Vice Consul who gave me my visa. Years later, whel was serving as Assistant Secretary of State, I saw his photograph as State Department Counselor in the office suite of the Counselor.

Q: Well, then so what happened to you then?

SCHIFTER: I started high school within a few weeks.

Q: Where did you go?

SCHIFTER: The Bronx. The DeWitt Clinton High School. I began to earn a little bit of money of my own by first by doing some tutoring, math tutoring of fellow students. Then I started to work for a tailor as a delivery boy. In 1940 I graduated from high school, just before turning 17.

Q: That took several years didn't it?

SCHIFTER: A year and a half.

Q: Well now, how did you find high school?

SCHIFTER: I found the teaching of social sciences really challenging and interesting, quite different from what I had experienced in Vienna.

Q: How was your English?

SCHIFTER: I got A's.

Q: Did your fellow students, were there any others in your circumstances or did they seem to understand what you had gone through?

SCHIFTER: Well, I just became part of the crowd and as distinct from Europe, as I have already mentioned, I stopped thinking in terms of whether a person with whom I interacted was Jewish or not. High School was a good experience. We had homogeneous grouping at the school. There were about eight layers. When I started, in the second semester of he junior year, I was put into the top group, the so-called "Honor School," of all subjects except English. In English I was put into the lowest grouping. But I got an A and the following year I was in the Honor School for all subjects.

Q: Who were you staying with?

SCHIFTER: First I stayed with my grandmother's brother who had come to the United States in 1898.

Q: What was his line of work?

SCHIFTER: He had been a builder and by that time was retired.

Q: Then, your second year, your last full year of high school was still at Clinton High?

SCHIFTER: There is one experience at DeWitt Clinton that is worth mentioning. The New York City school system was at that time engaged in an effort to eliminate the New York accent with which many students spoke. Each high school had a speech clinic whose work was devoted to that objective. Although the basic purpose of the Speech Clinics was to focus on the New York accent, those of us who had foreign accents were enrolled in that program as well. I remember that my pronunciation was being reworked sound by sound. To learn how to pronounce an "r" correctly, I repeated over and over again such sentences a"Around the rugged rock, the ragged rascal ran."

You know Henry Kissinger and I are about the same age. We came to the United States at about the same time. Yet he has not gotten rid of his German accent. I once discussed that fact with his brother, who explained that phenomenon by saying: "Henry never learned to listen. I, on the other hand, really paid attention to my instructor.

Q: Well, of course, you must have been taking an avid interest in what was happening in Europe between the war there and all that.

SCHIFTER: Yes, yes.

Q: Were you getting much news from the family?

SCHIFTER: Oh, yes, I was. As a matter of fact, one of my daughters has collected all of the correspondence between my parents and me until the U.S. entry into the War. And she has translated it into English.

Q: Yes. Well then as you're moving up to graduating from high school, I mean you sort of have a tenuous family support. What were you looking towards doing?

SCHIFTER: I had made up my mind that I wanted to be an economist and work for the United States Government as an economist.

Q: Why Economics?

SCHIFTER: A number of my cousins, who were in their Twenties, had been unemployed for a number of years. By then I had absorbed enough about the problems of the depression. Under these circumstances working for the U.S. Government was a highly desirable goal.

Q: Well then, so what happened when you graduated from high school?

SCHIFTER: I had to look around for a college that I could attend without paying tuition. And the College of the City of New York [CCNY] was such a college. As I was first in my class in high school, I had no trouble getting into CCNY and majored in economics.

Q: You graduated from high school in what 1940 or?

SCHIFTER: 1940 and I was seventeen.

Q: So you were at CCNY for the full four years?

SCHIFTER: As a matter of fact, what happened was that after Pearl Harbor I recognized that I was going to get into the army before my four years in college were up, so I was tried my very best to finish my college education before I got into the army. I succeeded in finishing college in three years.

Q: So that put you graduating in 1943?

SCHIFTER: '43, yes.

Q: Had you been taking ROTC or anything like that?

SCHIFTER: No.

Q: Tell me about CCNY, how did you find that at the time?

SCHIFTER: It was a really exciting student body. The faculty was so-so, but your fellow students were interesting. It was an exciting place to be.

Q: Did you find, one of those things during that period, more in the '30s, but even in the '40s that sort of New York Jewish educated people a lot were involved with sort of Marxism and all this?

SCHIFTER: Oh, yes. There was a great deal of that, but they were a minority. The great majority at City College consisted of New Deal Democrats, strong supporters of Franklin Roosevelt. I belonged to an organization that was very strongly anti-Communist.

Q: That comes from your early training?

SCHIFTER: Yes. My group would constantly argue against the ASU.

Q: ASU, the American Students Union?

SCHIFTER: It had become clearly a communist front. At City College the Marxists were split between Stalinists, Trotskyites, who, in turn were split between Cannonites and Schachtmanites and there were also independent Marxists. We New Dealers were with Roosevelt. Prior to June 1941 the Stalinists would hold demonstrations at which they displayed their slogan "The Yanks are not coming." And then, I remember that one day in 1941, when summer school started, it would have been June 22, the day after the Soviet Union had been invaded, as we arrived on campus, the Communists were giving out leaflets with their new line: "It's the People's War now."

Q: This is after June 22?

SCHIFTER: Yes. As I mentioned. I belonged to this very strongly anti-Communist group. In the spring of 1943, just before I got into the army, our group had organized an anti-Soviet rally. We got Norman Thomas to speak?

Q: Who was the premiere Socialist candidate?

SCHIFTER: Yes, for the presidency. Our rally took place after the Soviets had admitted that in 1941 they had executed two Jewish Socialist leaders. So we had a rally to protest that Soviet action. We were in a war then and the Soviets were our allies, but at City College, where there were indeed many Communists, there were also many students, who were politically on the left, but on the democratic left, who were strongly anti-Communist.

I mentioned that I had gotten my political view from my parents. Shortly after the invasion of the Soviet Union I had a call from a man who had just gotten to the United States by the skin of his teeth. When we met he told me that he had seen my father a few weeks earlier. I had written my father that I was concerned about the possibility of war breaking out and the Soviet Union being invaded. I had suggested that he move further east. But according to this man who had talked to my father, he had said: "Better Hitler than Stalin." As late as 1941 that was my father's point of view.

Q: What courses, you were taking economics at CCNY, was there any particular thrust to the economics at that time?

SCHIFTER: You mean in terms of ideology, no it was?

Q: Well across the political spectrum of what it was?

SCHIFTER: No, it was really a matter of teaching bread and butter courses: we had courses in basic principles of economics, statistics, economic geography, financial institutions, etc.

Q: Well, as you say, the student body, CCNY has a wonderful reputation, particularly in those periods, that it was very lively.

SCHIFTER: Yes and we had arguments in the alcoves, where we would eat lunch. I remember in early 1941 telling the Communists that they will soon be in favor of the war because the Soviet Union will be attacked.

Q: Well then so what happened, you graduated, did you, I guess the military was breathing down your neck?

SCHIFTER: As it worked out, I was breathing down their neck. I wanted to get into the Army, but as a foreigner could not volunteer. I had to be drafted. After my draft board physical I had been classified IV F, physically unfit for service. I was told that the doctor had found that I had a hernia. I saw another doctor, who told me I was fine. So I asked the draft board to reclassify me as I A. They did. Then I had my Army physical and the doctor determined that on the basis of my poor eyesight I had to be classified I B, limited service. I had heard that at that time, June 1943 they did not draft anyone who was I B, so I asked the doctor to enter better results for my eyesight, so that I could be classified I A. He asked me: "Are you sure?" I said: "Yes." He honored my request and I entered the Army. By the time of my graduation ceremony, I had already been inducted into the army. I was on initial leave.

Q: And so what happened to you then?

SCHIFTER: I first went to Infantry Basic in Camp Fannin, Texas.

Q: Good Heavens. Nice cool spot.

SCHIFTER: It was summer. [Laughter]. The camp was near Tyler, Texas. When I arrived, on the first day, as we read the material on the bulletin board near our barracks, we read an order from the Commanding General of the Camp, that started out, "There will be no more deaths from heat prostration."

Q: So how did you find it?

SCHIFTER: I was never in better physical shape than I was in that period, particularly after I had finished the thirteen weeks of basic training.

Q: Well then, what did they do with you?

SCHIFTER: I was then transferred to the Army Specialized Training Program.

Q: Yes, ASTP.

SCHIFTER: ASTP. I was sent to Stanford University to be trained for the occupation of what was then known as the Dutch East Indies. First of all I learned to speak Dutch. Being able to speak German and being able to speak English, I found Dutch sort of half way in between. After six weeks I was able to speak Dutch fluently.

Q: Yes.

SCHIFTER: Of course I was just 20 then. It is easier to learn a new language at that age than it would be later. However, many decades later, when I was Assistant Secretary of State I gave a talk in the Netherlands in which I read sections of the Dutch Declaration of Abjuration, their Declaration of Independence in Dutch. I was then told that my accent was still pretty good. So, as I say, we were trained for the possible occupation of the Dutch East Indies, which never occurred. As you can see, in those days the Army really planned carefully for occupation duties. At any rate, in January 1944, before I had completed the ASTP program, I received word that I was going to be interviewed by someone from the Army Department in Washington, who was interviewing all those of us who were fluent in German. The interview took place and at its conclusion, the interviewer, a sergeant, told me: "Well, you'll be over there soon." As I said, this was January '44 and the Army was combing its ranks for German speakers. I soon received orders to report to Camp Ritchie.

Q: Yes. It was an intelligence, still is an intelligence camp.

SCHIFTER: Yes. After arriving at Camp Ritchie, I was assigned to the program in which we were trained for the interrogation of prisoners of war. In June 1944, the month of the landing at Omaha beach, I was in a group of Ritchie graduates that was sent to Camp Myles Standish, near Boston, then crossed the ocean in a large troop convoy, landed in Greenoch, Scotland and then traveled to Broadway, England, where Ritchie graduates were being housed temporarily. In July I was sent to London - where the V-1s, the so-called buzz bombs, were falling then - to take an updated course on the GermaOrder of Battle. Then in August, I was off to Normandy.

Q: Were you attached to a particular unit?

SCHIFTER: Yes, at Broadway we had been formed into 6-men teams of interrogators. I belonged to IPW (Interrogation of Prisoners of War) team 94. In Normandy our team was incorporated into T-Force 12th Army Group. It was intelligence force under the direct jurisdiction of 12th Army Group headquarters. We were switched from Division to Division to support the intelligence personnel when a city was entered. My team started out by being attached to the First Infantry Division, when the city of Aachen was taken. That was in October of '44.

Q: Oh, so that was the Battle of the Huertgen Forest and, I mean that was a very bloody battle there.

SCHIFTER: Yes. We just got there as the time of the battle. We were stationed in Aachen. The battle took place just a few miles east of where we were. The mission that we were given stemmed from a threat uttered by Hitler. It so happens that this is a matter which has come up recently. I sent a letter to Condoleezza Rice the other day on this subject.

Q: Oh, this is horrible. You might explain why we're talking about this now because this is something that grates anybody who knows anything about the era.

SCHIFTER: What happened was that Hitler had warned the Allies that they would encounter an underground resistance movement in Germany, which he called the Werwolf, the werewolf. Accordingly, when we entered Aachen, the civilians that had remained there, about 15,000 out of Aachen's total population of 160,000, were rounded up and placed in a nearby abandoned German army camp. They would then be allowed to return home once we had interrogated them and found no reason for holding them.So from early morning until late at night, we were there interrogating people. And we didn't find a single Werwolf

Q: This is our national security advisor, Condoleezza Rice, had said something about, well, we had the same problem in Germany, which is absolute nonsense.

SCHIFTER: I wrote her a letter recommending that she not say that any more because, while Hitler threatened us with an underground resistance, I know of only one incident that came close to fulfilling his threat. It so happens that I know the victim. When we got into Aachen, the first city that we had occupied in Germany, we created a municipal government there. To start with, we appointed the new mayor. His name was Franz Oppenhoff. He was a lawyer recommended by the members of the business community who had not fled. He was still in office when our team left Aachen in February 1945. I believe it was in March '45 that I read in Stars and Stripes that two SS men and a woman had crossed the line and had killed Oppenhoff. He was the only such casualty as far as I know. I don't know of any other. And this was not really an underground resistance killing. The assassins were members of the German armed forces who had smuggled themselves into the area of U.S. occupation.

Q: Well, I'm sure that in the clash and during the occupation there had to be other problems, but?

SCHIFTER: No, I'll tell you it was amazing how it all collapsed suddenly in early May.

Q: Yes.

SCHIFTER: Of course, the fighting was still going on during the early months of 1945. As a matter of fact, I was in Aachen during the Battle of the Bulge in December 1944. The German breakthrough occurred a short distance south of Aachen. For a while it looked a little bit scary for us as we could have been cut off. As it happened, the Germans committed quite a number of war crimes during the Battle of the Bulge.

Q: Yes, did you get into all that type of interrogating or were you continuing the screening of the?

SCHIFTER: We went beyond merely screening civilians. We also looked for other information. I believe there was one major contribution that I made to the war effort during that period. One day, a rather intelligent-looking man appeared at my desk to be interrogated. I asked him for his occupation. He said he was an engineer. I said well, where do you work? He said Peenemuende. Peenemuende, as you may know, was the place location of the German rocket research program.

Q: Rockets, yes.

SCHIFTER: So I said what are you doing in Aachen? So he says: "Well my family lives here. I was entitled to some vacation, so I decided that I was going to take my vacation at home, with my family. Then you people were coming close. As I want the war to be over, I just stayed around here. And here I am." I should say that I suspected that he decided that he preferred to be on the American side rather than being taken prisoner by the Russians. So I said, "How are we doing with our bombing of Peenemuende?" He said, "Well you hit some, you miss some." So I said: "Do you want to do a sketch for me?" He thought for a while and then said, "You know I really want this war to be over." So he sat down, I gave him a sheet of paper and a pencil and he started sketching what we had hit and what he had not hit at Peenemuende. I then noted his name and address in Aachen and called A-2, at the Air Force headquarters in London. We told them what we had. The response was; "Hold him. We'll be there in 12 hours to talk to him." So these two guys came in from London, talked to him and then called to say: "You hit a gold mine." Am I talking too long about this?

Q: No, no, no. I think this is fascinating.

SCHIFTER: Aachen was in many respects an interesting experience. By talking to civilians we also got a feel for the situation. We would ask about their politics, how they had voted before Hitler came to power. It was very interesting how many of them would say: "Katholisch geboren, immer katholisch gewaehlt." Which means "born Catholic, always voted Catholic. I think this was true. The Rhineland was one area where the Nazis never got a plurality. The Center party, which was the Catholic party always came out ahead in that area.

As I said, we were in Aachen for most of the winter. I recall that at a certain point we started to question prospective teachers to determine whether they were suitable to teach in a democratic Germany once the schools opened again.

In February, as the front started moving, we pulled out of Aachen. I believe it was March 8 when we entered Cologne with the Third Armored Division. Later that month we were in Coblenz with the 87th Infantry. In each city we had a list of so-called targets that we were supposed to check out, look for documents and if we found something that might be of intelligence value, take it and get it sent back to the appropriate headquarters that collected the material. Around March 25 we got to Frankfurt, with the 5th Infantry. I still remember there was no water in the city. Some of stayed at a very elegant hotel, but had to use our steel helmets to get water from some nearby U.S. Army watering point. We then made our way northward. I recall our being in a small town in the first half of April. I believe it was Gundershausen. I recall that some of us spent an entire night reading documents that we had collected. When we got back to the place where we had been billeted, we were told that President Roosevelt had died. Many of us found that very upsetting. I certainly did.

We then kept moving further northward toward the Ruhr. By the end of April the German Army Group that had faced us, Army Group B was simply dissolving in front of our eyes. German soldiers passed us, going south. We had our list of targets to check out, so we just moved forward and did not bother to take prisoners, as that would have delayed us too much. I recall our being in Duesseldorf on May 1. As we were walking to one of the targets where we were to pick up documents, we saw two young women who were singing a popular song of the time, but they had made a slight change in the lyrics. They sang: "Es geht alles vorueber, as geht alles vorbei, auch Adolf Hitler und seine Partei." This means: "Everything passes, all comes to an end, even Adolf Hitler and his party." It rhymes in German.

A few days later the War was over. I was then assigned to the Military Intelligence Document Center in Oberursel, near Frankfurt. We had some prisoners there, whom we interrogated. By the end of the year I had enough points to qualify for a discharge from the Army and was, in fact, discharged, but decided to stay on as a civilian with the military government.

Q: Were you in HICOG or??

SCHIFTER: This was at that time, OMGUS, Office of Military Government for Germany-U.S.

Q: So what rank did you?

SCHIFTER: In the army? Technical sergeant at the end.

Q: Yes, and then so you got your discharge it would have been still in '45?

SCHIFTER: January '46.

Q: '46.

SCHIFTER: Yes, I had five battle stars so that qualified me.

Q: And then you went to??

SCHIFTER: OMGUS in Berlin. I was in Wiesbaden first and then Berlin.

Q: What was Berlin like when you went there?

SCHIFTER: First of all, the people were extraordinarily friendly to us, and so appreciative. I mean in the Western sectors. It was different on the Russian side. Berlin was an interesting, truly metropolitan place.

I met my wife in Berlin. She was a German employee of the Finance Division of the Office of Military Government. I worked in the same Division. One of the officers of the Finance Division had the idea of creating a program for the reeducation of German youth. My future wife collected the youth from her circle of friends and the officer who had set up the program collected the speakers. When it came to delivering a talk on the American form of government, I was asked to do that. As I had no German material on this subject and thought it would be a good idea to hand out copies of the text of our Bill of Rights, I started to prepare a German translation. To be sure that I got the German expressions right, I asked for some help and Lilo, my future wife, was assigned to work with me. So we fell in love while joining in an effort to translate the U.S. Bill of Rights from English into German.

Q: Well, Berlin was really pretty well flattened wasn't it?

SCHIFTER: The Center was flattened, but we were in Dahlem and Dahlem was not badly damaged.

Q: While you were early on in Berlin, were we looking with caution about the Soviets or were they pretty much our allies?

SCHIFTER: We soon found out that they were holding back information at the quadripartite level, information to which we were entitled. Before long we heard reports that they were arresting people who were once politically active in the democratic parties and who did not want to toe the line. All that I had learned from my mother about Communism very quickly fell into place.

Q: How did you feel being Jewish and having, the word was now coming out about the concentration camps and the Holocaust and all that, how did this make you feel?

SCHIFTER: I remember thinking about this as we were crossing into Germany back in the fall of '44. I made up my mind then that I must reject the notion of collective guilt. I can't be part of that. I believed in individual guilt. I said to myself at that time that if I were in a situation where I would be behind a machine gun and there would be a group of S.S. men in front of me, I would have really no second thoughts about just mowing them down. But that did not mean that every German was guilty. I have held to that view ever since.

Q: Well, let's talk about your work in this early occupation of Germany. You were working with youth and other?

SCHIFTER: No, no. That was extracurricular. The job that I had then was to carry out a program that we have since then put totally aside. We were then aware of the fact that after World War I, Germany was able to rearm quickly, in spite of the disarmament requirements of the Versailles Treaty, because it was putting assets it had outside the borders of Germany to military uses desired by the German high command. For that reason the Allies agreed after World War II that Germany's foreign assets would be seized and liquidated. My assignment was to the Investigations Section of the External Assets Branch in the Finance Division of the Office of Military Government. In the fall of '46 I became the Chief of the Section. We were responsible for tracking German assets abroad, producing the evidence of the German connection, and thus laying a foundation for the seizure of that property. In many instances the German connection was cloaked, so what we had to do was find the evidence to establish the fact that the property that appeared to be owned by non-Germans was, in fact, owned by a German company. Once that fact had been clearly established, we sent our evidence to our diplomatic mission in the relevant country. Our mission would then present it to the government in question: the Swedish government, the Swiss government, the Spanish government. The countries that had been neutral in the war were those most often involved. We would then see to it that the assets were seized and liquidated.

Q: Were their substantial cloaked German investments and such things in Spain and Switzerland?

SCHIFTER: Yes. We were kept very busy. You may find my investigation of the Munich Reinsurance Company an interesting example of the way things worked. We had gotten some leads about a non-German company that were suspected of being controlled by the Munich Reinsurance Company. I still remember it was a Spanish Company by the name of Plus Ultra. I went to the headquarters of Munich reinsurance and asked for the files on Plus Ultra. They gave me the files and I remember going for a weekend from Munich to the resort town of Garmisch-Partenkirchen and just taking these papers along. As I was going through the papers, I saw, every once in a while, a little slip that referred to another file, with the label "Capital transfers, April 1945." As I read the documents that were in the file in my possession, it seemed that a cloaking transaction was about to take place but the papers that would prove it were not there.

The following Monday I was back in Munich at the headquarters of Munich Reinsurance. I went to the office of the general manager with whom I had dealt before and asked for the files entitled "Capital transfers, April 1945." He blushed and then said "Yes, of course." He took me past some mounds of rubble, the result of bombings that had not yet been removed. We then came into a windowless room where a number of men with green eye-shades were working on files piled in front of them on their desks. They were evidently segregating the papers that they wanted to hide, placing the papers that they wanted to hide in separate neat folders. I packed up and took them with me. We subsequently found in them the evidence of about 22 or 24 different subsidiaries that they had cloaked.

Q: It's incredible, they documented everything, the Berlin documents said it was still feeding off this. And I guess the Stasi did the same thing.

SCHIFTER: Yes, exactly. [Laughter]. But even to the point where if they take it out, they leave a little slip [Laughter].

Q: Did you get involved, were there Latin American connections or was that not your particular?

SCHIFTER: There may have been a hidden asset in Argentina. Another German company had cloaked its interest in a U.S. company, the American Potash Company. But most of the cloaked companies were in the countries of the European neutrals.

Q: Well, I imagine that as a training for an economy that you were learning what made what and I mean all these connections, not only were they illegal, but also you were learning good economics.

SCHIFTER: Yes, but that experience caused me to make up my mind to be a lawyer.

Q: Well, I think, this is probably a good place to stop. You left the army when?

SCHIFTER: I left the military government in August '48 and then started law school.

Q: Now, had you married your wife by that time?

SCHIFTER: We married in July 1948.

Q: So this is probably a good place to stop and we'll pick this up the next time in July of '48 when you're newly married and off to law school. Where did you go to law school?

SCHIFTER: Yale.

Q: Yale, okay. Very good.

***

Today is the 23 of September, 2003. Well, we're in 1948. Why law school, why Yale?

SCHIFTER: I had decided while I was in the military government that for the kind of work that I wanted to do in life, which was to work for the government, a legal education might be the best. So that's why I decided to study law. I was told that Yale and Harvard were the schools to go to. So I applied to Yale and Harvard and I was admitted to both. At that time one of the close friends I had made in the Army, who had also just gotten married, wrote me that he was going to Yale graduate school to study microbiology. So we decided to go to Yale because he was going to Yale.

Q: Well, going in 1948 at Yale Law School, it must have been a rather exciting time, because certainly the great majority of the students there were veterans, weren't they?

SCHIFTER: Yes, many of them.

Q: And, a completely different outlook than I would say you would have today or?

SCHIFTER: I think that is true. Yes.

Q: How did you find Yale?

SCHIFTER: Oh, it was very stimulating, I really liked it. It was a good group of fellow students and I really got a good legal education there.

Q: What was it a three year course?

SCHIFTER: Three years.

Q: Now did they concentrate on any particular area?

SCHIFTER: Well, I was interested in public law and took quite a number of courses in that field..

Q: Was the Yale system at that time pretty much paralleled the Harvard one of case law or was it a different one?

SCHIFTER: Oh, it was case law, but Yale prided itself of a fundamentally different approach in that Yale emphasized the role of the law in helping establish a democratic society that respects individual rights. We at Yale were under the impression that Harvard placed greater emphasis at producing legal craftsmen. It was said of the Yale faculty members that they thought that could use their educational program to influence the development of the law. It was said of them that they were not thinking of training lawyers who would work in the field of corporate law, real estate, or litigation. They were interested, it was said, in training future judges who would hand down decisions that would reflect the Yale faculty's points of views. They were trying to train legal statesmen.

Q: Where was the faculty coming from, would you say, I mean was there a cast to the faculty?

SCHIFTER: Some had been in the government. Others had been in the private practice of law. And some had been teaching ever since they got out of law school.

Q: But was there a thrust, I mean was it a liberal faculty, was it a conservative faculty?

SCHIFTER: Mixed.

Q: Mixed, so it wasn't, you weren't getting brainwashed?

SCHIFTER: No, it's not the way it is now. We were not being brainwashed to adhere to a particular political point of view. It was largely a matter, as I said before, of their view of the law as a key instrument in defining a society, the importance of he rule of law. As I said before, it was a matter of not merely training a corporate lawyer in the very narrow sense, or a real estate lawyer, but to get us to see the big picture as to what the law contributes in bringing order to a democratic society. It was not a matter of liberal versus conservative interpretations. That just didn't play much of a role there.

Q: Well, after three years, that would get you up into '51. Did the beginning of the McCarthy years have any impact on the way you were?

SCHIFTER: From '51 on I handled a number of cases of clients who had had problems with the loyalty-security system. As it is, I still remember that my wife and I attended a McCarthy rally in New Haven in 1950 just to hear what he would have to say. The sponsors of the event had hired a big hall but very few people were there. When we walked in and looked around my wife said in a stage whisper: "Isn't it wonderful. So few people here." Some members of the audience glared at her. McCarthy was campaigning at that point against a senator from Connecticut, Brien McMahon. McMahon won the election.

Q: Well, I was just wondering whether there were any particular attacks on the Yale faculty that sort of mobilized the?

SCHIFTER: No, as a matter of fact, there was an effort to organize a civil liberties group. As I have mentioned before, I was strongly opposed to real communists. McCarthy had attacked people who were not communists at all. So while I was at Yale, I joined a group that wanted to set up a branch of the American Civil Liberties Union at the Yale Law School. We wanted to join the ACLU because it had a rule at that time that required its officers to have an unquestioned commitment to the principles of the American Civil Liberties Union and it was underlined that a communist did not, by definition.

Q: Yes.

SCHIFTER: I remember that when we set up this ACLU branch, we noted that one of our professors, who voted with us, split with his wife. She voted on the other side, the side that wanted to set up a civil liberties unit without affiliating with the ACLU.

Q: Well, tell me now of what Greater Germany and the Third Reich, were you attuned to the McCarthy times, I mean were you more attuned to it, the possible dangers and maybe some of your colleagues?

SCHIFTER: As I mentioned, once I started to practice law I had a number of loyalty-security cases. But I took cases only of people that I believed had been unjustly accused of a Communist affiliation. My feeling was that the communists should get their own lawyers, who then tried to create a political drama rather than helping their clients. I believe that the Rosenbergs were executed because they were defended by communist lawyers who didn't make the legal arguments that could have been made on their behalf.

Q: I mean in a way this furthered the communist cause, being martyrs.

SCHIFTER: That's right, exactly.

Q: The Rosenbergs, for someone looking at this, were involved in nuclear or atomic espionage at the time and were executed to great outcries throughout the world.

SCHIFTER: But just to show you how mistakes were made: In the Seventies I asked for my personnel files under the Freedom-of-Information Act. I discovered that in 1943, as I entered the Army, I had been listed as a member of a communist organization at City College. Then a few years later there was another entry saying, sort of "oops, it's an anti-Communist organization."

Q: Yes, well this of course is the problem for the people who keep the records. For one thing they get it wrong and two they often don't understand. But you were saying cases, I mean what as a third year student you would get cases?

SCHIFTER: No, no. When I started practicing law.

Q: Oh, I see.

SCHIFTER: Then I had a number of cases?

Q: Well, when you finished in '51, what did you do?

SCHIFTER: As a matter of fact, I could have gotten into the Foreign Service at that point. In the summer 1950, I chaired the research section of the Democratic State Central Committee of Connecticut and was active in the campaign of Chester Bowles for reelection as governor. During the campaign he told me that if he were re-elected, he would want me to work for him in Hartford, in the Governor's office. But he lost the election. Then, one day in 1951, when I was in my last semester at the law school he called and said, " I'm going abroad and I want you to come along." So?

Q: How had you met him?

SCHIFTER: I was active at that time in an organization called the Americans for Democratic Action, ADA. A friend of mine in ADA had recommended me for a summer job at the Democratic State Central Committee. I chaired the Research Section and in that capacity sat in on campaign meetings headed by Bowles. He got to know me then and as I worked closely with him, we became well acquainted. That was the context in which he made me the offer to work for him in Hartford. Then, as I said, after his defeat, he called me and said: "I'm going abroad. I would like you to come along." I asked him where he was going and he said: "I can't tell you." When I asked whether he was going west or east, his answer was "More east than west."

By then I had planned to go to Washington. I had been offered a job at the Securities and Exchange Commission, but then it turned out the SEC had not gotten the appropriation that would have covered my job. I explained that I was going to Washington anyway and he said, "Look, I'll park you in the meantime in the White House." So I started to work for the President's Materials Policy Commission, whose task it was to research and analyze U.S. future needs for various raw materials, particularly oil. I was placed in the General Counsel's office of the Commission.

Q: Truman was still president.

SCHIFTER: Truman was president, yes. One of Chet Bowles' friends was the executive director of the Commission. I was hired and I served there for about two and a half months. While I was at the Commission, it was announced that Chet had been appointed Ambassador to India. Lilo and I were now preparing to go to India. However, someone urged us to read the post report on India. That is how we discovered that we might have to face the problem of amoebic dysentery in India. Parents of small children were told to bring powdered milk along or to make sure to have powdered milk shipped to them and then boil the water before allowing a child to drink the milk. Our Judy was then about one and a half years old and was drinking her bath water. And Lilo was pregnant with our second. We though about the offer and talked about it a great deal. We finally came to the conclusion not to take a chance with the kids. So I wrote Chet a letter saying that we had read the post report and that under the circumstances we just couldn't accept his kind offer. So India was out and a Foreign Service career was out for me at that particular point.

There is a sequel to this story. In 1985 I chaired the U.S. delegation to the CSCE Human Rights Meeting in Ottawa. Every once in a while the heads of the principal western delegations would get together for dinner to discuss the progress of the meeting. But there was also quite a bit of purely social interchange. As my colleagues, all of them professional diplomats, were talking about their respective careers, they discovered that they had all been in New Delhi in the Fifties. As the only non-career diplomat in the group I piped up and told them that I could have been there with them. I then explained why we had not gone. At that point the head of the French delegation became very solemn and said, "I lost a daughter to amoebic dysentery in New Delhi." So it wasn't a dumb decision not to go.

Q: Yes.

SCHIFTER: At any rate, having turned down an offer to work for the State Department, I started looking around for other possibilities. It so happened that at that time I was, as part of my work for the Commission, looking at the issue Indian aboriginal rights to land that limited oil drilling in Alaska.

Q: Now we call them Native American rights or Inuit, I guess is the?

SCHIFTER: As it is, the term "native rights" was used then when applied to Alaska, because it covered the rights of Indians, Eskimos, and Aleuts. Today the term "native" is used instead of Indian. The reservation Indians that I know call themselves Indians. The people who leave the reservations call themselves Native Americans. [Laughter].

Q: I know it. We're going through a whole time period of people looking for correct, politically correct names and they were?

SCHIFTER: Yes, politically correct terminology. [Laughter]. So, back in 1951, I had to get some basic understanding on the subject of Alaskan aboriginal rights to land, the topic on which I was to prepare a report. This was 1951, the issue of native rights in Alaska was not resolved until '58 or '59, if I remember correctly. At any rate, at that time the issue was unresolved. One of our recommendations, therefore, was that if Alaskan oil was to be made available, we needed a determination as to what the native rights were. While working on this issue, I was in touch with one of my former classmates, Shirley Fingerhood, who was working in a law firm that dealt with Indian rights and who gave me some pointers. We were in touch over a period of weeks. During one of my calls she told me that she would not be able to help me any longer as she was going back to New York. She said she did not like living in Washington. (She later became a judge in New York.) I knew for whom she was working, Felix Cohen, who was the son of CCNY well-known philosophy teacher Morris Raphael Cohen, and who was himself a leading authority in the field of Indian law. I told her that I would be interested in filling the vacancy and asked whether she could set up a job interview for me. She said sure. I still remember how that interview went. Felix Cohen looked at my resume and said: "So you graduated summa from City College." It had been eight years since my college graduation and I was surprised that anyone would focus on that event. He then said: "I graduated magna. When can you start?" Felix Cohen died two years later, at the age of 46, but the office that he founded was my professional home for more than thirty years.

Q: Well now, the job was what?

SCHIFTER: I was an associate. Shortly after I joined Felix Cohen's office, it became the Washington office of a New York law firm, whose name was then Riegelman, Strasser, Schwarz and Spiegelberg. It is now Fried, Frank, Harris, Shriver and Jacobson.

Q: Her position in the law firm was what?

SCHIFTER: She was an associate.

Q: Yes.

SCHIFTER: She was just a new associate. She had just been there a few months and she was leaving so I applied for her job and I got it.

Q: I mean this is the way one enters a law firm?

SCHIFTER: Being interviewed.

Q: Being interviewed, but I mean you become an associate until you are taken on as a partner..

SCHIFTER: Yes, that's correct.

Q: It can take about seven years as a?.

SCHIFTER: I made it a little bit faster. I became a partner in '57..

Q: Well, when you, you were the new boy on the block, what were you doing, what did they have you do when you first entered the law firm?

SCHIFTER: I started immediately on an Indian claims case involving the Absentee Delawares. It's a group of Indians, Delaware Indians, living in the Anadarko area in Western Oklahoma. The first question that I had to address was whether the Absentee Delawares had an interest in the claims asserted by the Delaware Tribe of Indians. The Absentee Delawares were a group that had somehow become separated from the main body of the Delawares. And that was my first case.

Q: Where were the main Delawares?

SCHIFTER: The Absentee Delawares in western Oklahoma. The Delaware Tribe lived in eastern Oklahoma but the two groups had traveled to Oklahoma along different routes, they had separated early before they got to Oklahoma.

Q: Well?

SCHIFTER: That was one of the cases and then I started working for the Oglala Sioux in South Dakota. My work for them, at that time, did not involve a claim against the U.S. Government. There I dealt with day-to-day legal problems.

Q: Well, you were dealing, I mean this must have been about the only law firm, wasn't it that had sort of Indian briefs, or not?

SCHIFTER: There were very few at the time. There are many more now. Felix Cohen, the head of the office had been associate solicitor of the Interior Department, had specialized in Indian law and had written the definitive text on Federal Indian law.

Q: Well?

SCHIFTER: He retired from government service in 1948 and set up his law office. A number of Indian tribes that had come to know him during his days as associate solicitor asked him to become their legal counsel.

Q: Well, how did you find, I mean the early days when you got there, dealing with something like the Indian Bureau because today people are talking about billions that are unaccounted for in accounts and it sounds like our Indian policy obviously never had much priority in the government and there was a lot of mismanagement.

SCHIFTER: Yes, sloppiness. That was a real problem. Quite frankly, however, it was not that easy to keep these records, particularly in the olden days. Indian trust land could not be sold. So as one generation after another dies, it was necessary to identify the heirs and set up separate records for their fractional interests. Today given what you can do with computers, once can handle that job, but in those early days one had to keep hand-written records.

Q: What were ?

SCHIFTER: But the real issues, as I discovered, was that Indians, who came out of a hunting culture found it difficult to adjust to industrial society. In the 1870s, after the Indian Wars in the Dakotas, the U.S. Government compelled Sioux Indians to settle on reservations and to make sure that they stayed put, killed the buffalo herds. There was no further room among the Sioux for hunters and warrior. The Government hoped that they would turn overnight into farmers. But if we reflect on it, in Europe the shift to farming had not come overnight. It had taken hundreds of years. The end of hunting had created a serious problem for men in Sioux society. What should they do? During my days of working with the Sioux it was interesting to note that women were better able to hold things together. Shortly thereafter I also began to work with the Pueblo of Laguna in New Mexico. The Pueblo Indians had been farmers for more than a thousand years. They were far better able to adjust to the general American society.

Q: I sometimes have that feeling in part of our current struggle. It seems to be the grandmothers who hold things together?

SCHIFTER: Yes.

Q: While the young men get into gangs, very much of the civil warrior type culture.

SCHIFTER: Yes, yes. Well, here was, among the Sioux, a particularly sad situation. The challenge was to try to figure out what to do. My basic idea was to try to find work for them. Unemployment was really debilitating.

Q: Well, who were you, was it your law firm and you against the government, maybe?

SCHIFTER: Not against the government so much as a matter of getting the government to try to do more for them and be more proactive in that regard. As I mentioned, Felix Cohen died two years after I joined the office. Thus, in 1953 it became my responsibility to try to work on this problem. The approach that I tried to follow was to find ways in which, rather than being tied to the Bureau of Indian Affairs, Indian tribes could branch out and get the help of other agencies of government. Here is where I was able to put my Yale Law School training to good use. I thought there was a great need for better housing on Indian reservations and began to think of drafting a proposed law that would expand the public housing program to Indian reservations. The 1960 Presidential campaign gave me an excellent opportunity. Ted Sorensen, a friend of mine, was then working on Senator John Kennedy's staff. I suggested to him that there be an exchange of correspondence between Oliver LaFarge, the President of the Association for American Indian Affairs, a not-for-profit organization that I represented and the then Senator Kennedy on the subject of Federal Indian policy. Quite frankly, I wrote both sides of this exchange of letters, the letter from Oliver LaFarge and the Kennedy response. The response contained a pledge that Kennedy would support making all U.S. housing laws available to Indian tribes. As soon as Kennedy was elected, I filed copies of this correspondence with what was then called the Budget Bureau. After every campaign in which a new president is elected, the Budget Bureau collected all the commitments that had been made during the campaign, as guides for future policy. After the election I started my work on a new law that would provide low-rent housing on Indian reservations. But then, as I read, carefully, the Public Housing Act of 1937, I concluded that all that we needed was a re-interpretation of the 1937 law. That was in 1961. The Public Housing Law had been on the books for 24 years and had never been used for Indian housing. I succeeded in getting the Public Housing Administration to accept my interpretation and then set up the first Indian public housing project. When I last checked on it, which was quite a number of years ago, I think that, well over 2 billion dollars had been spent on Indian housing.

Q: Well, did you find it difficult to deal with Indian organizations because I would imagine they would be sort of fractured and off in different directions.

SCHIFTER: I represented a number of tribes, the Oglala Sioux of South Dakota, the Nez Perce of Idaho, Pueblo of Laguna in New Mexico, and the Metlakatla Indians in Alaska. I would travel to these reservations, talk to my clients, and learned to look at the world through their eyes. Then I would try to work with them on the matters that concerned them most. In other words, I was not trying to impose my notions on them. I would not say to them, "There's your problem." They would identify their problems for me and I would say, "Well, here are some possible solutions. What do you think? Would you like to support that?" And when the answer was, "Yes. Let's do it." I went ahead.

To be sure, there were problems occasionally. When the plans for the first Indian housing project, on the Plan Ridge Reservation, were put before the Tribal Council, there were those who objected to the distance of approximately 20 feet between houses. It could not be much more as we had to get the utilities to the project, including central heating, and the cost would have been too great if the houses had been built at a much greater distance from each other. There were Council members who said: "Soon we are going to be standing elbow to elbow on this reservation." I explained the problem of the cost of the utilities and the Council understood and approved the plans. I still remember that after that meeting, as I drove away from the Reservation, I drove through areas where you could not see any house to the horizon. There was no need to worry about people standing elbow to elbow. As I mentioned, I spent decades on this work. My contract ran usually for two years and was renewed without any dissension.

Q: Well, was there, did you find that you were up against, was the Indian Bureau the opponent or was it landed interests, you know, white settlers and politicians?

SCHIFTER: That's a good question. In South Dakota the stockmen were a problem for the Indians. They wanted to graze on the reservation at the lowest possible cost to them. I was involved in litigation that was precipitated by the stockmen, litigation that the tribe won. The stockmen challenged the right of the Oglalas to maintain a governmental structure, with a court system that had misdemeanor jurisdiction over members of the tribe, and with the right to levy taxes on those doing business on the reservation, such as, indeed, the stockmen. I recall one case that was tried in Deadwood, South Dakota, before the U.S. District Court. A jury had been impaneled. When the trial phase had concluded, I presented a motion for a directed verdict for the Tribe. The oral argument on that motion could not take place in front of the jury. But there was no room in the courthouse that would have been available for the jury to be sent to, so the judge asked the lawyer for the stockmen and me to join him in his chambers. Both of us presented our argument and the judge decided then and there to grant the Tribe's motion. So as to allow him to inform the jury, we had to return the courtroom, with the two lawyers preceding the judge, but re-entering the courtroom through the judge's door. As I re-entered the courtroom and looked at all the people in front of me, I realized what I had not realized before: all the cowboys in the audience were sitting on one side and the Indians on the other side. When the judge, a former Governor of South Dakota, returned to the courtroom he made a very thoughtful statement to the jury, noting that the Indians were in the state before anyone else came, that they had the right to have their own government, that the basic legal issue whether the tribe could levy taxes was a legal issue which he had decided in the affirmative, and that the only role for the jury was to compute how much money the defendants owed the Tribe.

Q: Yes.

SCHIFTER: On the other hand, in New Mexico, I don't think, there were any major differences with the neighbors. As Felix Cohen used to say, while the English colonists brought their wives along, the Spanish did not. The result was that there were before long many descendants of mixed parentage. As Felix put it, those who joined their fathers became Spaniards in what is now New Mexico and those who stayed with their mothers were Indians

Q: Was water a problem there?

SCHIFTER: Not water rights for irrigation. However, one matter on which I worked was to get drinking water out there. I was lobbying for appropriations to make it possible to dig the wells, lay the main lines and connect the homes to them. My goal was to improve living conditions on the reservations.

Q: Not as much, you might say laws, as helping?

SCHIFTER: But using the law to do it. I have already mentioned the matter of reinterpreting the Public Housing Act so as to qualify Indian reservations for public housing. When the Area Redevelopment Act was under consideration, which was to provide assistance to economically deprived areas of the country, I found that Indian reservations had been left out and made sure that the law was amended so as to cover Indian reservations. In each of these situations, it was a matter of enabling tribes to engage with agencies of government other than the Bureau of Indian Affairs so that they were not limited to assistance provided through the Indian Bureau. I was told that the then Secretary of the Interior, Stewart Udall, has said: "Whenever the Federal gravy train comes by, Dick Schifter hangs an Indian caboose onto it." I also worked on improvements in the public health area. The only time that I acted without explicit authorization from a client was to get the Indian Health Service to start a mental health program on the Pine Ridge Reservation of the Oglala Sioux. I thought they really needed it. They had a serious alcoholism problem and too many feelings would have been hurt if the matter had been discussed at the Tribal Council. After the money was appropriated and the word got out that there would be a mental health clinic at Pine Ridge, members of other Sioux tribes would say: "We always knew that the Oglalas were crazy." But in due course, the clinic did a lot of good and was appreciated by the people at Pine Ridge. I guess they never found out how the clinic got there.

Q: Yes, well of course this had been the curse of the Indians since white man's arrival, alcohol and in particular it was exacerbated by the life that they're kind of forced to live. They can't go out and be lawyers.

SCHIFTER: Well, that's it. That's really it. It was a life without a purpose in many circumstances. Getting useful work was the challenge. As I say, it was not a matter of fighting the Indian Bureau, but to jack up the Indian Bureau to get things done. It must have been in 1959 that I made an appointment with the then Commissioner of Indian Affairs, a political appointee. He had his deputy, a long-term career official with him. I laid out a series of ideas on what the Indian Bureau could do that would help Indian people. When I had completed my presentation the Commissioner turned to his deputy for a response. The response was: "It has all been tried and it has all failed." A year and a half later, the Kennedy Administration took over and I had the chance of getting programs for Indian tribes adopted without going through the Indian Bureau. As a matter of fact, I still remember, that in 1961, before a new Commissioner of Indian Affairs had been appointed, when I went to see the then Acting Commissioner of Indian Affairs, also a long-term career employee, who happened to be of Indian ancestry. I explained to him what I was working on with regard to Indian housing. He asked me how much the construction of the houses would cost and where the money to pay for the construction would come from. I explained that the funding would be provided by the Federal Government under Public Housing Act. His response was: "Ho, ho. I am an Indian. You build me a house for me too." That was the attitude of many officials of the Indian Bureau. It was difficult to persuade them to undertake new programs to help Indians. Have you been to South Dakota?

Q: No, I haven't.

SCHIFTER: There is an area in Southwestern South Dakota called the Badlands. Some of the Badlands, a barren area, were on the Pine Ridge Reservation. We were able to work out an arrangement under which the portion of the Badlands that was on the Reservation and produced very little income was incorporated into a National Park, with the understanding that a portion of the fees that the Park Service collected from tourists would be paid to the Tribe. I was also involved in setting up a National Park on the Nez Perce Reservation in Idaho in the Fifties. The Federal Government claimed that the land was public land and arranged to transfer a small portion of it to the local public school district. We challenged the proposed transfer. But the transfer documents were sent out by the Interior Department without notice to us. I found out that they had already been mailed to the regional office for delivery to the school district late on a Friday. Saturday morning I was in the U.S. District Court in Washington with a petition for a temporary restraining order against the Secretary of the Interior. We then litigated the issue of the ownership of the land to the point where I filed a petition for certiorari. At that point the Justice Department advised the Interior Department to agree not to convey any of the property until the issue of the Nez Perce Tribe's right to the land had been fully litigated. We then resolved the problem without further litigation, by having Congress pass an act that confirmed Indian ownership of the land but then placed it in a National Park, from which the Tribe would earn income.

Q: Well, now, were you around, one of the developments in the last decade or so had been gambling casinos and all that, I mean was that at all part of...

SCHIFTER: No, in my time. Throughout my law practice I believed in my clients' causes. I would have had a hard time with gambling.

Q: Well, there are real problems with it. Was there any thought of, well if you don't do this for me I'll go back to my treaty, I mean looking at old treaties and finding out that great promises had been made which hadn't been kept.

SCHIFTER: Under the Indian Claims Commission Act of 1946, Indian tribes were given the opportunity to file claims against the United States Government within the following five years for compensation for their losses of land, going back to the very beginning of the country. In other words, the statute of limitations would not apply. I mentioned earlier that the very first case that I had was to represent the Absentee Delawares. I represented them in a claims case filed under the Indian Claims Commission Act. One major case that our office handled and on which we were in court for close to twenty-five years was the case for the Sioux Indians. I started out with it but one of my partners worked on it most of the time, as I was busy with a lot of other matters.

Q: Well, you mentioned some of the things you got involved early on was some of the McCarthy things because that would be close to some of the things you got involved with later on too.

SCHIFTER: No, it's different. I saw no problem with the exclusion of Communists from security-sensitive positions. I did not view Communism, that is membership in the Communist Party, a Stalinist party, as a mere expression of political belief. I saw it as a pledge of loyalty to a foreign government antagonistic to the United States. The cases in which I was engaged in the McCarthy situations were cases of people who were unjustly accused. The great challenge in those cases was to find out just what the evidence was on the basis of which a person was accused. Representing a client I had to start out digging for that evidence. I would never be told the identity of the accuser. So my objective was to find out with sufficient precision what my client was accused of.Q: Were these usually people in the government who were being forced out?

SCHIFTER: Well, they were being brought up on charges.

Q: I have interviewed people who were saying that there was considerable pressure by the security people, FBI whatever and said there have been these charges against you, I suggest you resign but if they held out, they often found that, they were given a very difficult time, but a year or so later they found that somebody else with the same name or something like that.

SCHIFTER: Let me illustrate the circumstances by reciting the details of one case: it involved a civilian employee of the Marine Corps. He was charged with having been a member of the Communist Party and for having signed a form in which he had falsely denied it. When he came to me, he just said it was ridiculous, he never had been a member of the Communist Party. I asked him a few questions and I was persuaded that he had told me the truth. From my experience in high school and college I could recognize a Communist very quickly. One of the very first things I did in that case was to ask him to give me a photograph of himself, if at all possible a group photograph- (end of tape)

He came up with such a photograph, which I sent to the Marine Corps office that was handling the case with the request that it pass the photograph on to the FBI with the suggestion that the FBI get the spot the person whom he had accused of being a Communist. I did not get a response to that request. I inquired of my client where he had been before coming to Washington to work for the Marine Corps. He told me he had attended the University of Minnesota and had then gone to UCLA. I went back to the officials who were handling the case and was unable to convince them that they could share information with me as to the city in which he was supposed to have belonged to the Communist Party. They told me it was Los Angeles, specifically East Los Angeles. When I got back to my client, he told me that UCLA was in West Los Angeles and that he had been busy in his studies on campus and, in his spare time had worked on the school newspaper. He said he had never been to East Los Angeles, that it was quite a distance away and that it would have taken a long time to get there, given the conditions of the transportation system at that time. I then suggested that he write a full report on how he spent his time at UCLA, when he got up day after day, how he spent his time and where. We also got maps of Los Angeles that showed the distance between UCLA and East Los Angeles. We submitted all this material to the Loyalty/Security Board and they ruled in my client's favor. He was reinstated in his job and received back-pay for the entire year and a half during which the case was pending. When he returned to his office, the Marine officer in charge took him aside and said: "Do you remember that shortly after you had to leave, your lawyer sent us a photograph of you in a group? You should know that the informant against you was never able to finger you in that picture."

Q: No.

SCHIFTER: So that's just one example. My guess is that it was a case of mistaken identity. It could have been that a person by the same name was indeed a member of the Communist Party cell in East Los Angeles.

Q: Yes, it was a difficult time.

SCHIFTER: I want to say that somehow one has to look at it in the framework in which it happened. For most people in the country it really didn't make any difference. It was a major issue in Washington and Hollywood.

Q: Yes.

SCHIFTER: Those are the two places where it made a difference. (End of tape)

Q: Were Indians sort of a thing with you throughout your legal career?

SCHIFTER: I handled quite a number of other matters, but the major theme of my law practice was my Indian work.

Q: You were doing this from '51 until about '85 or so?

SCHIFTER: To be precise: from '81 to '84, while continuing as a partner in the law firm, I started serving part time in the State Department. Then from '84 to '85 I worked full time, having taken leave from the firm. I then went back to the firm but a few months later accepted an invitation to come back to work at the State Department and retired from the firm.

Q: Well, let's go back as you progressed awkward particularly because we're going to be looking at human rights, were you picking up anything on the international field as you progressed in your legal career?

SCHIFTER: Representing American Indians, I tried to do my best, as I mentioned, to provide equal opportunities for them. I also served on the Maryland State Board of Education from 1959 to 1979. When I became a member of the Board, Brown v. Board of Education had not as yet been implemented in large parts of Maryland. As a member of the Board, I started working on the issue of desegregation of the public schools, initially as a member of a minority of Board members. But we ultimately became the majority.

Beyond these specific professional and volunteer engagement of mine, I followed international events in the news. As far as my practice was concerned it was very much oriented toward the United States and it so happened that I practiced both in Washington and the Midwest and Far West, in South Dakota, Idaho, Alaska, New Mexico and Arizona. At one time I even argued a case in the Supreme Court of Alaska, in Juneau.

Q: Sort of on the same theme as with the Indians, did you find yourself involved with the American Civil Liberties Union, at all in those type of cases?

SCHIFTER: No. The Indian cases dealt usually with Tribal right. For example I was twice in the United States Supreme Court in a case involving the right of the Metlakatla Indians to use traps to fish. Come to think of it I also handled a pro bono case for the residents of the NIH enclave in Bethesda, who had been held ineligible to vote in Maryland. That case, which also went to the U.S. Supreme Court, established their right to vote.

Q: And the Metlakatla are what, from near Oregon or?

SCHIFTER: They live in Alaska. This was the case that I also argued in the Supreme Court of Alaska. It was deemed so important in Alaska that the State legislature adjourned for the day so that its members could listen to the argument. Alaskan fishermen were very much opposed to the traps. When I got to Juneau, an Alaskan lawyer told me: "You have no chance in the Supreme Court of Alaska." He was right. We lost there, but the Supreme Court of the United States reversed.

Q: Well, what was the problem?

SCHIFTER: Those who use traps to catch fish were in competition with the seine fishermen. Do you know what a trap really is?

Q: Well, I mean it's sort of a cage isn't it?

SCHIFTER: Yes, the salmon swims into the trap and can't get out of it. The Metlakatla fishermen would just pick it up out of the trap. Indian fishing with traps was really a minor matter. What troubled Alaskan fishermen was that the large Seattle-based canning companies had fish traps all over Alaskan waters. It was in a way felt to be a form of colonial exploitation. As a result, as soon as Alaska became a State, the use of traps was outlawed. The Metlakatla Indians challenged the application of the law to them on the grounds that they had rights guaranteed to them by the Federal Government that could not be infringed upon by the State as long as the Federal Government allowed the use of traps.

Q: Was there a problem of over fishing or something?

SCHIFTER: No. As a matter of fact, this was one of the points that we made in our case. Whenever the State decided to close all fishing temporarily for conservation reasons, traps were easiest to monitor. This was true because a fish trap was stationary, located in a place known to the conservation agency. All that the agents of the State conservation agency had to do was to fly over the traps and make sure that they were closed. That was much easier than following every single fishing boat to make sure that they really complied with the closure order.

Q: Well, then?

SCHIFTER: As I mentioned earlier, to Alaskan fishermen, the fish trap was the symbol Seattle based companies exploiting the Alaskan fisheries. When fishing with traps was outlawed it, the Alaskan seine fishermen wanted all trap fishing outlawed, whether Seattle-based or locally-based, even though fishing by Alaskan natives did not provide serious competition.

Q: Were there constraints on the native fishery that they couldn't overdo this subcontract out to big fisheries somewhere else?

SCHIFTER: The Metlakatla Indians had their own canning company. They then sold their product directly to the market. There were no subcontracts, nor were any contemplated.

Q: I see. As your, up through around 1980 or so you hadn't really had any particular contact with human rights and all that?

SCHIFTER: Well, on the international level not professionally. But that was a subject in whicl was interested .

Q: How did you get involved in this?

SCHIFTER: It's just one of those pure accidents in life. I had joineAmericans for Democratic Action in 1947, a liberal group strongly opposed to Communism.. Hubert Humphrey was one of its great leaders. When I came to Washington, I met Max Kampelman, who was then legislative assistant to Hubert Humphrey. Through Max I became acquainted with the Humphrey circle. The Humphrey circle included among others, Evron Kirkpatrick, who had been one of Humphrey's political science professors and his wife Jeane.

Q: It's Jeane Kirkpatrick?

SCHIFTER: Yes. I had become active in the Democratic Party and served as precinct chairman and then county chairman in Montgomery County. When I was precinct chairman, the Kirkpatricks lived in my precinct. Then in 1972 I helped found the Coalition for a Democratic Majority, an organization concerned about the influence of the New Left on the Democratic Party. The Kirkpatricks were among those who joined our group. By the way, there is a related matter that I have failed to mention.

Q: Okay.

SCHIFTER: Through Max Kampelman and the Humphrey connection I came to know George McGovern, when he came to Washington as a new Congressman for South Dakota and bought a home next to that of Hubert Humphrey in Chevy Chase. South Dakota had two Congressional districts at that time and McGovern represented the Eastern district. Most Indians lived in the Western district. When George ran for the Senate in 1960, running in the whole state, I advised him on Indian policy. He lost in 1960 and was appointed Director of the Office of Food for Peace in the White House. He then asked me to serve as his Counsel. I did this part-time, but it is in that context that I for the first time became involved in international affairs. In a way my work was similar to what I was doing for Indian tribes. I helped set up a school breakfast program in Puno province in Peru. I had recommended a school lunch program, but the Prime Minister of Peru, Pedro Beltran, pointed out that children did not get breakfast at home and a school breakfast program would cause many parents, who had not done so before, to send their children to school. That program was then replicated in other states of Latin America through the Alliance for Progress.

But, to come back then to the late 1970s, Jeane had written an article entitled "Dictatorships and Double Standards." Dick Allen, who was working in the Reagan-for-President campaign had recommended it to Ronald Reagan to read. Did you have an interview with Jeane?

Q: No, somebody I hope will.

SCHIFTER: Well, I can tell you what I still remember about this. She told me that Ronald Reagan called her and said that he had read her article, had liked it, and would like her to be a foreign policy advisor to him. So she said, "But Governor, I am not supporting you." His answer was: "Oh, it doesn't make any difference, I just want to get your ideas." So then she said to him, "I have to make it clear, Governor. I am a Democrat." His response was: "I used to be a Democrat too, so let's not worry about that." That is how Jeane became involved in the Reagan campaign as a Democrat. Since then she has become a Republican. She got to like Ronald Reagan and worked in the campaign for him. Almost immediately after he took office in 1981, Jeane was appointed U.S. Permanent Representative to the UN in New York. A few days later, as my wife and I were having dinner, the phone rang. When I answered it, there was Jeane. She started out by telling me that she was calling me from a car, which was very unique at the time.

Q: Oh, yes. Oh, yes.

SCHIFTER: Then she said, "Dick, can you be in Geneva next Tuesday?" That's how my career in the State Department started.

Q: Well, alright, well let's pick this up. Why did she, I mean what were you going to be doing in Geneva?

SCHIFTER: It was to serve as co-chairman of the U.S. delegation to the United nations Human Rights Commission. She told me that Michael Novak, a mutual friend of ours, had agreed to go and she wanted a lawyer there as well. Michael and I should be a team.

Q: Now, who's Michael Novak?

SCHIFTER: Michael Novak, don't you know him?

Q: No I don't, no.

SCHIFTER: Michael is rather well known as a Catholic thinker and philosopher. Let's see now where is he? I've forgotten where he teaches now but he's very much identified as I say as somebody who represents a particular point of view in the Catholic Church.

Q: Well now, I mean what did you do? Were you, how did you get yourself ready to go to this conference in such a short time?

SCHIFTER: By that time I had been following world news for close to 50 years. I knew a lot about what was going on in the world. It was no problem.

Q: Well then, what was the issue when you got there? This was when in 1980?

SCHIFTER: 1981.

Q: '81, yes.

SCHIFTER: When I arrived in Geneva I was familiar with the role that Eleanor Roosevelt had played in the creation of the UN Human Rights Commission. After I had been there for a while and had been exposed to the Commission's work, the story that kept popping into my mind was the fairytale o"The Emperor and his New Clothes." I saw very little that smacked of dealing seriously with international human rights issues. Instead it was a forum in which the Soviet bloc led an effort, often supported by friends in the Third World, to embarrass the West. Under these circumstances, our role was to defend our selves against these attack and to point up the serious human rights abuses that took place in the Soviet bloc countries. In the years in which I represented the United States at the UN Human Rights Commission, 1981 to 1986 and again in 1993, I tried to do my part to use this vehicle to advance the international human rights cause, but it was not easy.

Q: Well, when you first arrived on the scene in Geneva in '81, how was the Human Right's Commission constitute?

SCHIFTER: If I remember correctly, it consisted then of 35 states elected by the Economic and Social Council. Today the Commission consists of 53 states. Seats on the Commission are apportioned among the five regional groups of the UN, namely the African group, the Asian Group, the East European Group, the Latin American group, and the West European and Others group. The latter group called WEOG is the one to which we belonged. ECOSOC would elect a given number of countries from each region. Some groups, such as the African group, might agree on a list of candidates equal to the number of openings. In that case, there was no contest and all the candidates were automatically declared elected.

Q: Well, in a way it sounds like this first one is really, you were sent there to play a defensive game?

SCHIFTER: In 1981, when our delegation arrived there, one of the questions that we had to address was whether the United States was still interested in human rights. It was understood that the United States had not been committed to the international human rights cause in the Kissinger era and that the Carter Administration had effected a sharp change to a commitment to human rights. With the Reagan Administration now in office it was assumed that there would be a return to the "realism" of the Kissinger era. Jeane Kirkpatrick had told us that she believed that we must continue our commitment to human rights, in fact strengthen our commitment, and that she was confident that that would be the position taken by the Administration.

It should be noted that Michael Novak and I arrived in Geneva toward the end of January 1981. Many personnel changes had not as yet taken place in the State Department. With our mandate from Jeane, and her access to the President, we were able to speak for the Administration. We drafted our own speeches and then went through the formalities of getting our speech drafts cleared. But we did not ask for policy direction from offices that had not as yet gotten a clear policy signal from the top. Michael and I were thus on our own really in deciding how to handle the issues before us. The very first speech that I delivered I had written myself and then got it cleared. It was to the effect that the United States remained deeply committed to the cause of human rights. The specific country situations that we had to deal with concerned Latin American countries, particularly Chile and El Salvador. South Africa was, of course, a major issue. Israel was always on the agenda. Communist bloc countries and other human rights violators friendly to the Soviet Union were not being dealt with. There were also a number of generic issues, such as the right to development. As I indicated before, before long I found that quite a bit of the work of the Commission had no relevance to conditions in the real world.

Q: Yes.

SCHIFTER: I still remember getting into conversation with an Australian delegate. Australians were pushing very hard on a resolution for the right to development and the United States was opposed. I couldn't quite figure out what we were talking about. So I sat down with a member of the Australian delegation and told him that I had read this resolution and would be interested in understanding what would happen after we pass it. He paused for a while and then said, "Next we pass a declaration on development." So I said, "Okay, but after the declaration." He paused some more and said, "We might have a convention." So I said, "What I'm talking about is what kind of assistance program do you espouse." He said, "Assistance program, assistance program, we aren't thinking of any assistance program." So this was to me an example of the fact that we were often merely playing word games.

Q: Many people work for the United Nations say that so much time is spent on commas and all this while people who really don't have a great interest in what is happening.

SCHIFTER: I was a soldier at the time of the 1945 San Francisco conference that established the United Nations. I remember how enthusiastic I had been about the idea of a more effective successor to the League of Nations. As the years passed, I became well aware of the fact that the UN had departed far from the principles laid down in the Charter. I had read Pat Moynihan's book "A Dangerous Place." But there is no substitute for personal experience. During the last 24 years I have participated actively in the work of the United Nations or have watched it closely in light of my experience there. It's a sad place. Throughout my life I have not encountered any organization that was so permeated with hypocrisy, make-believe and intellectual dishonesty as the United Nations.

Q: What was it, was it that these were people with nothing else to do or were they time servers or??

SCHIFTER: As I reconstruct it now, we have to keep in mind that Joe Stalin signed on to the United Nations Charter. The principles of the Charter are not in any way compatible with Stalinist thinking. Thus, the UN was built on a lie from the very beginning. In due course the United Nations became another place where the Cold War was being fought out. When the Cold War ended something could and should have been done with it to effect drastic reform. I believe that it should be possible to effect reform today, but it would require a great deal of commitment and hard work. I was on a task force put together by the Council on Foreign Relations and Freedom House in which we recommended the formation of a Democracy Caucus at the UN.

As it is, there are agencies of the UN that do useful work. UNICEF, the UN Development Program, the World Health Organization, are a few examples. But there are others that need to be restructured. One of them is the UN Human Rights Commission. When I led the U.S. delegation to the Commission in 1993, the first time I had been there since the end of the Cold War, I recommended that we try to use the Human Rights Center to train police on the rights of citizens. I would also recommend that the UN Human Rights effort devote itself to training prosecutors on how to put together circumstantial cases. This would be a way making it possible for them to take the strictures against torture seriously. My point is that prosecutors resort to torture if the courts will convict only on the basis of a confession, as is often the case. If the court would be prepared to convict on the basis of circumstantial evidence and the prosecutor would know how to put such a case together, there would surely be a reduction of the number of cases in which torture is used.

Q: Well, did you find, was the United States basically playing the same game there or were they trying to get something out of it and were other nations trying to get something out of it?

SCHIFTER: No, not at all as far as the United States is concerned. I have often had occasion to say, that on the basis of my work on the inside, I believe that no country plays foreign policy closer to the Scout Ethic than the U.S. One country that comes close in that connection is Germany. The French certainly don't and none of the others do as far as I can see. But some of the countries that really have the reputation of being great advocates of propriety, such as Sweden, if their ox is gored, there is a real problem as to whether they would come through.

Q: How about the Canadians?

SCHIFTER: Okay, that's a good point. The Canadians come close to us, as do the Australians.

Q: The British or?

SCHIFTER: You see the British foreign office, they feel they know it all and understand it all and in some cases, that's the case, but in other cases it is not. An example of the overriding role of economic concerns, even in some of the well-meaning countries, has just come to my mind. It involves the Australians. We were trying to get a resolution adopted at the Human Rights Commission that dealt with the issue of repression in Iran. We were told that we just have to understand that they have a lot of sheep in Australia and the Iranians love to eat mutton and Australia has to take that into account. I have never had the experience of being told that we need to pull our punches for economic reasons. To be sure, we put security interests ahead of human rights interests, but not economic interests. Many other genuinely democratic countries put both security and economic interests ahead of human rights interests.

Q: One very much has the feeling that economic interests spark the separation between the United States and France, Germany, Belgium and all over Iraq, I mean that?

SCHIFTER: I don't see it quite that way. In the case of France, yes. Belgium is just following France. However, with regard to Germany, I happen to think that the Administration made a big mistake in not letting bygones be bygones after the German election. Schroeder wanted to win the 2002 elections and he just grabbed on to the Iraq issue in the course of the campaign. We should have recognized that. This administration, in particular, should have recognized that other political leaders, too, can play politics. Once it was over, we should have reached out and should have said: okay, let's forget about the past, let's work together now.

Q: I'm just thinking that I'd like to get into, I think this is probably a good place to stop here, and I'd like the next time to pick up somewhere, we've got you going to Geneva for the first time in 1981 and to talk about some of the, you've talked about the hypocrisy of much of the United nations resolutions that things were passed but nothing is done and it's, but maybe we can talk about some of the issues that you were dealing with.

SCHIFTER: The challenge is to see what one can do within the system that is now in place. For example, I strongly supported the appointment of rapporteurs by the Human Rights Commission: somebody who will watch a particular problem year-round and shine a spotlight on it.

Q: Yes.

SCHIFTER: In 1986 I was able to pull off the creation of the office of Rapporteur on Religious Freedom. Having watched the work of the Human Rights Commission for a number of years and having come to the conclusion that the Rapporteurs are able to play a very useful role, I thought that it might be possible to get the Commission to agree to establish the office of Rapporteur on Religious Intolerance. The UN had in the early Eighties adopted a Declaration against Religious Intolerance, but that Declaration was just another dead letter. I had come the conclusion that we might be able to get a majority in support of the establishment of the position of a Rapporteur who would monitor failures to adhere to the provisions of the Declaration and then report thereon.

I shopped the idea around among our West European friends, suggesting that one of them rather than the United States might want to be the lead-sponsor. Ireland, which had traditionally handled the issue of religious freedom in the Western Group, turned the idea down. We would lose, I was told, and that would set back the cause of religious freedom at the UN for at least five years. The Austrians looked into it for a while, but then decided not to go forward. Next, I urged the Belgians to consider becoming the lead sponsor. They examined the matter for quite a while and then told me that they had run their calculations and had concluded that the resolution might win or lose by 17 to 16, and that was so close a margin. They would not want to take a chance on pursuing it. My own count, and a very conservative count at that, showed us winning 20 to 12. I, therefore, told the Belgians that the United States would be the lead-sponsor. The response I got was: "in that case you are sure to lose."

I then went to work on rounding up the votes, traveling to various countries. One particularly important visit was that to the Vatican. Reflecting the thinking of Pope John Paul II, my interlocutors at the Vatican greeted the idea with genuine enthusiasm. As I left, they told me that when I got to Geneva for the next session of the UN Human Rights Commission, I should check in with the Mission of the Holy See. The Mission, I was told would assign a member of its staff to work with me.

When I got to Geneva, I did indeed check in with the Mission of the Holy See and a Monsignor was assigned to work with us. As he spoke only Spanish, I asked a Spanish-speaking member of our delegation, Kathy Barmon, to work with him. The assignment we gave him was to work with the Latin American countries.

By the time of this UNHRC session I was also serving as Assistant Secretary of State for Human Rights and Humanitarian Affairs. It was in that capacity that I had been asked to testify before a Congressional committee and returned for that purpose briefly to the United States. When I got back to Geneva, Kathy told me that the Monsignor wanted to see me urgently. I told her to make the necessary arrangements.

When we got together the Monsignor started out by telling me that his name was Montanor. There was then some back-and-forth on Spanish between the Monsignor and Kathy and Kathy then said: "He wants me to make it clear that his name means Goldberg." The Monsignor then said to me: "I want you to understand that I am of Jewish descent." He then continued: "The resolution against religious intolerance is in trouble." I then asked: "Oh, which of the Latin Americans is against it." His response was: "It's not the Latin Americans. It's the Europeans." We had not counted on East European support, so it was clear that he meant the West Europeans. As he elaborated, it became clear why he had introduced himself the way he did. "The Europeans say, "he told me, "that you were not authorized by your Government to introduce this resolution. You are doing it because you are Jewish and you want to help Soviet Jews." I thanked the Monsignor and told him that I planned to work on this matter without in any way exposing him as the source of my information.

The "West European and Others Group," to which the United States belonged as one of the "Others," met in caucus on the morning of every workday, before the Commission went into session. I gave great deal of thought to what I would say to my colleagues. The next morning, as we met at the German Mission, I asked for the floor and then without mentioning the Monsignor, told the group what I had heard as to why they would not want to support the resolution on a rapporteur on religious intolerance.. I then continued along the following lines: "You my colleagues should know enough about how the United Sates Government operates. You should know that no head of a U.S. delegation can sponsor a resolution in the name of the United States without having been explicitly instructed to do so. You should also know that Jews in the Soviet Union are discriminated against irrespective of whether they are atheists, agnostics, or practice their religion. They are discriminated against because of their ancestry, an issue that is dealt with at the UN under the Covenant on Racism. Religious intolerance means discrimination not on the basis of ancestry but on the basis of the choice a person makes regarding the practice of religion. In the case of the Soviet Union the largest number of persons who suffer religious discrimination are ethnic Russians who identify themselves as practicing Christians. In Iran the issue concerns ethnic Iranians who adhere to the Baha'i religion. Christians also suffer religious persecution in some Muslim countries. But as you have raised the question of my personal interest in this issue, it is indeed true that having suffered persecution, I probably have a deeper understanding of the problems faced by Soviet Christians that do you, my colleagues, who have been fortunate enough never to have suffered persecution."

After I had completed by statement there was deathly silence in the room. No one said that I had been incorrectly informed. Everyone just sat there, as the seconds ticked away. Finally Sir Anthony Williams, the head of the UK delegation spoke up and said: "We have heard from our American colleague. This resolution concerns above all Soviet Christians. Let us agree to support it." The group then endorsed the resolution. After our meeting had adjourned, a few of the younger delegates came up to me to tell me that they had shared my concern and were glad that I had delivered the statement. When the resolution was voted on a few weeks later, it passed by 28 to 5. The only "no" votes were cast by the four members of the Soviet bloc plus Syria.

Q: I'd also like to ask you what you're impression was by the time you got into this field about the highly intelligent Jimmy Carter emphasis on human rights and all, was this a major factor or had it been around before, anyway how was this perceived that when you got there, did this sort of kick things off, but we can talk about that.

SCHIFTER: The answer is, it wasn't so much Jimmy Carter, but the Congress.

Q: I was going to say, I was phasing it to leave room for Congress. Let's talk about?

SCHIFTER: I believe that the statute that was passed, if I remember correct, in 1976 or '77.

Q: '77.

SCHIFTER: I think, it was 1976, when Congress mandated the preparation by the State Department of annual Human Rights Reports. That started the U.S. on a totally new approach to the subject of human rights.

Q: Okay, good. Well, we'll talk about that and the overall impact of these things and how the whole landscape changed.

SCHIFTER: The landscape did indeed change. What I became full aware of only once I worked in the State Department was that the new law had a very profound bureaucratic impact. The State Department assigned responsibility for the preparation of the reports to our Embassies. The ambassadors, in turn, recognized that to provide meaningful annual reports, they had to assign responsibility to follow the situation in the host country year-round. That, in turn, required the assignment of the task to one of the political officers. In some countries it was a part-time assignment. In others it was a full-time assignment that may even have involved more that one officer. These appointments ultimately had a profound impact in changing the outlook of many officers of the State Department on the issue of human rights.

Q: Great.

***

Today is the first of October, 2003. Dick, where are we going now?

SCHIFTER: What we were talking about last is a subject on which I have given speeches. The U.S. diplomatic tradition was very much influenced by the British Foreign Service. The basic concept that prevailed for many, many years was that what a country does to its own nationals is that country's business and no one else's. This diplomatic tradition may very well go back to the Treaty of Westphalia of 1648. Occasionally cases may have arisen in which a person might have been sentenced to death, but could be granted clemency by the head of state, the king or president and the government of another country join in the appeal for clemency. To be sure, in the United States the White House would occasionally intercede to follow a different line. At any rate, the United Nations Charter and the development of the concepts of international human rights law, in keeping with the Charter changed all that.

The first time this new approach to human rights was tested in the United Nations was in the case of apartheid South Africa. The initial resolution on apartheid, introduced in 1946, was a resolutions sponsored by the Dominion of India. Then, after India and Pakistan had achieved independence as separate states, the resolution was co-sponsored by them. It contended that the persecution or the treatment of Indians and Pakistanis in South Africa was a burden on international relations between South Africa and these South Asian countries. In other words, it was not a matter of dealing with the domestic aspect, but the international aspect of the problem. Only in 1952, seven years after the UN Charter had gone into effect, was a resolution introduced that dealt squarely with the problem of the treatment of blacks in South Africa. I have been told that the question of how the United States ought to react was debated in the State Department. The final decision was made by Secretary of State Dean Acheson. What he decided was that the United States would vote for the resolution but would not speak in support of it. In the years that followed we became increasingly engaged in the apartheid South Africa issue and moved toward unhesitating support of UN action in this field.

It was only in the 1970s that the United States became fully engaged in a program to support the human rights cause worldwide and, as I said earlier, it resulted from a series of Congressional initiatives. On this issue we witnessed a coming together of rather disparate political groupings. Members of Congress who were troubled by the repression of democracy in the Soviet bloc, many of them right of center joined with members concerned with human rights violations by Latin American dictatorships, many of these members being left of center in their political outlook. The result was a series of laws passed in the '70s by wall-to-wall agreement in the Congress dealing with human rights, including the one that required the writing by the State Department of annual human rights reports.

Q: Do you know the attitude of the State Department when the first?

SCHIFTER: Kissinger was opposed. This legislation was enacted on Henry Kissinger's watch and he was opposed. U.S. engagement in the field of human rights was a policy forced on the State Department by the Congress.

Q: Was it just Kissinger or was it you might call it the foreign policy establishment?State Department?

SCHIFTER: I wasn't around so I don't know.

Q: I would suspect that, you know

SCHIFTER: There may have been other people. I believe the ARA, which dealt with Latin America may not have been very happy.

Q: In the various bureaus saying oh my God, this is just going to get?

SCHIFTER: But Henry Kissinger was most vehement. While I was at the State Department I have had occasion to see him at conferences and I heard him expressing himself on this subject. He didn't like the human rights policy at all and he was certainly fighting it. (end of tape)

As a new generation of Foreign Service officers arrived, the notion that it is the business of the United States to be concerned about international respect for human rights was gradually absorbed. The officers in the embassies whose responsibility it was to watch development in the human rights field across the year, followed the general State Department custom of writing messages on that subject and sending them on to Washington. Desk officers in Washington who received and read these cables began to ask themselves what do to do about these reports of human rights violations. There is something about the American culture that makes us believe that where there is a problem, there must be a solution. They then began to think of solutions. At the same time there was a further development in the field. Human rights officers in very repressive countries began to make contact with dissidents. No one else would have done this before, but here were these junior U.S. officers who came around asking questions and beginning to develop relationships with dissidents, looking for clandestine newspapers and other underground material that was being passed around. It was invariably the U.S. embassy that made these contacts, not any of the other embassies. So, there was this increasing engagement of the United States in this matter and that is, what I found to be the case when I started my work for the State Department in 1981.

Q: Well, you got there in '81?

SCHIFTER: Yes.

Q: Now, between sort of in the '76 and all, had you run into, when it got started around '76 and through the Carter Administration, had you run across any, had sort of human rights passed through you're?

SCHIFTER: I had been interested in international affairs all along so I followed what was going on and was aware of the fact that this was now a matter of interest and concern, yes.

Q: Had you ever met Pat Derian?

SCHIFTER: I may have seen her. But I didn't meet her.

Q: But this wasn't a, well what happened in '81?

SCHIFTER: In '81 I became a member of the delegation to the UN Human Rights Commission in Geneva. The question that was raised in the media at that time was whether the Reagan Administration would shelve the human rights policy. As I had been sent off by Jeane Kirkpatrick, whom I knew well, who was in a key policy-making position and who had made her views clear to me, the message that I delivered to Geneva was that there was not going to be any change. that the United States was going to be very much engaged in human rights affairs.

Q: Well, in Geneva where did you find, the people you were talking to, these were the representatives of what, these??

SCHIFTER: You mean the other member of the commission?

Q: Yes. I mean were they relieved to hear this or had they been expecting a different tone or?

SCHIFTER: [Laughter]. No they were not relieved at all. Many of the countries that were represented on the Human Rights Commission are countries that engage in persecution. As a matter of fact, they try to get themselves elected to the Human Rights Commission to protect themselves.

Q: Oh, wow.

SCHIFTER: No, this was not good news for them.

Q: [Laughter]. Well, so what were the issues in '81 when you got out there?

SCHIFTER: Military rule in Argentina was an important question. So were Pinochet's Chile and the Latin American situation generally. We agreed with these concerns. We also emphasized human rights violations in the Soviet Bloc. There was no daylight between our position and that of our predecessor on the Commission, Jerry Shestack. Do you know Jerry?

Q: No.

SCHIFTER: He is a rather prominent lawyer in Philadelphia. He was head of the American Bar Association at one point. We continued what had been done before. To be sure there was a new matter on our agenda in the early Eighties: Poland. Repression against Walesa started in '81 and in '82. Thus we pursued Latin American as well as East European issue.

Q: No, no. Did, how about within?

SCHIFTER: But, as I have already mentioned, after a while I began to realize that there isn't a great deal that one can expect to come out of the UN Human Rights Commission in terms of useful product. We could milk something useful out of the process but not a great deal. With the Cold War going on, it was at the end of the day really a battle of arguments between the Soviet Bloc and the West. Our experience in Geneva was similar to the experience that I later had in New York. It was with regard to the situation in New York that the highly respected Permanent Representative of Singapore, Tommy Koh, spoke of the factory at the UN that was just producing paper after paper, flooding the premises without producing positive results. I believe that if we really want to reform the UN, to have it accomplish what its the democratic founders had hoped for, we must get away from the mass of meaningless papers that are being produced there. We must figure out what we can do that is truly meaningful and that would advance the principles spelled out in the UN Charter.

For example, I have advocated that we use the Human Rights Center in Geneva as a place where one could train police to respect the rights of citizens, for them to understand what the limits of the authority of a policeman should be. My thought is that we can get a group of top ranking police officials from those countries that do need help in this field. As someone once put it to me, there are countries in which one signs up to be a policeman, is given a pistol and then told: you're on your own now. There is no program of instruction for such policemen, they just watch their more experienced fellow-policemen and then copy what the others do. They may pick up useful skills but if there is no culture of respect for the rights of individual citizens, they are not going to pick it up from their peers. I am also a strong advocate of the training of prosecutors on how to put a circumstantial case together because in many countries the accused will be convicted only on a confession, and a confession is obtained through torture.

Q: Yes.

SCHIFTER: These prosecutors are of the view that if the police do not resort to torture, their country would be lawless.

Q: Yes.

SCHIFTER: Through appropriate training programs of policemen, prosecutors, and judges, the UN could make a major contribution to advancing the rule of law. But what I found in the Human Rights Commission was just a lot of talk. At a certain point I had learned what the business of the Commission was all about . So, when appropriate I would talk to the Voice of America and, for example on days on which Poland was on the agenda, send messages to the people of Poland.

Q: How did you find the Bureau of Human Rights?

SCHIFTER: Well, I became assistant secretary in 1987 and I, I guess I've been the longest running assistant secretary since then. I was assistant secretary from '85 to '92.

Q: Yes. How did you find, I mean when you initially started going to Geneva and all, how did you find the Bureau?

SCHIFTER: My immediate predecessor was Elliott Abrams who I really think got a bum rap for his efforts there. In my opinion, he did an excellent job.

Q: Well he cared, he cared.

SCHIFTER: Yes, I believe that he and Ambassador Harry Barnes and I together made it possible for Chile to get rid of Pinochet. In 1988 I was Assistant Secretary at the time for Human Rights, Elliott was Assistant Secretary for Latin America and Harry Barnes was our Ambassador in Santiago. Under the constitution promulgated by Pinochet, Chile was going to have a referendum on the future of Pinochet in December '88. From January 1988 on I saw the Ambassador of Chile, perhaps every two weeks. He wanted to know under what circumstances the United States would recognize the referendum as having been free and fair. It was at that point up to me to analyze conditions in Chile and tell the Ambassador what rules we expected the Chilean government to follow to make it possible for us to respect the referendum result. We were concerned that Pinochet would, by and large, limit registration to members of the military forces and their families. I, therefore, suggested what the minimum percentage would be of the eligible voters that should be registered, when the registration opportunities would have to be made available to eligible voters, including after hours and on weekends so as to make it possible for people who worked to register. Ambassador Errazuriz was the ambassador at that time. He obviously transmitted this message to Santiago and they really paid attention there to our recommendations. I guess Pinochet thought he could meet our requirements and still win, so he ran a fair election and lost, the "no" vote won.

Q: The ambassador that at that time, Harry Barnes, was saying that one of the results is that the chief of the air force came to a meeting and said, "Well, it looks like we lost." Well, actually the meeting was to figure out how they were going to fix it up so they weren't going to lose. But sort of the cat was out of the bag and?

SCHIFTER: Actually, my understanding was that the Air Force was really on the other side, in favor of ending the rule by the military junta.

Q: Okay.

SCHIFTER: The Junta consisted of five people, Pinochet, the head of the army, who was with Pinochet, the head of the Air Force was for change, the head of the Carabineros, who as also for change and the head of the Navy who appeared to be in the middle. That was my understanding of the situation at that time.

Q: Well, did you find a real functioning bureau, I mean were things pretty well in place by the time you got there?

SCHIFTER: Yes, yes. After Elliott had been there.

Q: Well what about the Cadre, one of the problems for the bureau is that you've got to be able to place your people afterwards. The geographic bureaus got post and good assignments and all, what could you do, I mean what sort of?

SCHIFTER: You are right. But I really tried hard to place the Foreign Service Officers who were my principal deputies. The first was Jim Montgomery. Do you remember Jim?

Q: Yes.

SCHIFTER: He became Consul General in Johannesburg. Bill Farrand, who followed Jim, got a higher rank. He became Ambassador to Papua New Guinea. It's not the most desirable post, but it was an ambassadorship. My last principal deputy was Jim Bishop, who had been ambassador to Liberia and Somalia. If you were wondering did I get the dregs of the Foreign Service, no. No, I got quite a number of really very, very good people.

Q: How did you find your relations with the geographic bureaus, particularly?

SCHIFTER: It varied. The worst battle I ever fought was Iraq policy with the Near Eastern Bureau.

Q: When was this?

SCHIFTER: I also had a real problem with the European Bureau. But what stands out most clearly in my mind is my battle with the Near Eastern Bureau and Iraq policy. It started in August 1988, after the Iranian-Iraqi peace agreement had been signed and there was another chemical warfare attack against the Kurds. There had been an earlier chemical warfare attack, during the war, at Halabja. But now the war was over and the Kurds were victimized again. There were many dead and tens of thousands were fleeing to Turkey. I wanted to get a statement out from the Secretary's office, denouncing the Iraqis for this latest resort to chemical warfare. I remember George Shultz was on vacation at that time and John Whitehead was acting. As a matter of fact, I believe Marc Grossman was then John Whitehead's assistant. At any rate, John Whitehead's office was being bombarded with material from my Bureau, urging that we condemn Iraq and from NEA, urging not to do so on the ground that we had insufficient evidence. John Whitehead finally decided that there was enough evidence and we did issue a statement of condemnation. But, from then on, in August 1988, until the invasion of Kuwait in August 1990, I was in a continuing struggle with the Near Eastern Bureau over Iraq policy. Their basic idea was to go easy on Saddam Hussein.

After the argument over the press release on the use of chemical warfare, we got into a struggle over Commodity Credit Corporation loans to Iraq. My point was that we were under a statutory obligation not to make CCC loans to states that were gross violators of internationally recognized human right and that Iraq was clearly a human rights violator. There is something that I found on the Internet recently regarding this dispute. There is an outfit called the National Security Archive. They were able to get quite a number of the relevant State Department papers declassified and have put them on the Internet. They had quotes from my memoranda and quotes from what Dick Murphy, the Assistant Secretary for NEA. The quote from my memorandum was that most Americans don't know about the human rights record of Saddam Hussein, but that if they knew they would consider him one of the worst violators of human rights.

Q: Well, this was about time the Time article came, the cover story, didn't it, came out on that at one point, or Newsweek, I mean one of the major?

SCHIFTER: This was all in 1988.

Q: Yes, around that time.

SCHIFTER: What I said at the time was that if the general public would know what we were thinking of doing, they would be outraged if they found out that we are providing assistance to Saddam Hussein. The dispute continued and George Shultz decided to leave the matter to incoming administration. He did tell me at one point that no one in his right mind would make a loan to Saddam Hussein. He does not pay his bills. Then in January 1989 I received a visit from a senior NEA official. He gave me a long speech about the fact that Iraq can be a factor in the stabilization of the region, that it could influence the course of events in the entire region from a moderate point of view, that it has the largest unproved oil resources in the world and from every point of view it would be wise for us to have good relations with Iraq. I was urged to reconsider my position. As a matter of fact, NEA was suggesting that I go to Baghdad to initiate a human rights dialogue. I believe that Richard Haas was on the Security Council staff at that time and he was urging that I go to Baghdad. The assumption was that I had been successful in my human rights dialogue with the Soviet Union and that I should be able to attain a similar result in Iraq.

In light of this personal appeal, I decided to study the problem in some depth. I still remember calling iCIA analysts to give me their judgment. I came to the conclusion that Saddam Hussein's Iraq was very much like Stalin's Soviet Union. I should add that I came to that conclusion in 1989. In 2003 I read that Hussein was, in fact, a great admirer of Stalin and sought to adopt his style of governance. I informed NEA of the fact that having studied the problem further, I stand by my position on Iraq, namely that we should not make any CCC loans to that country. Somehow the loans went forward anyway. In retrospect I am under the impression that the memoranda recommending the loans were not sent to me for clearance.

It was around that time that I had calls from Hill staffers about our Iraq policy. They pointed out to me that the State Department was not acting in accordance with the statutory requirement that assistance be denied to states that showed a continuing pattern of gross violators of human rights. As I had been unable to get the Department to accept my view of the applicability of this statutory limitation on our assistance programs, I did something that a political appointee can do and that a career Foreign Service Officer cannot do. I said to the person who called me, a staff assistant to the Chairman of the House subcommittee on Human Rights: if you feel so strongly about it, why don't you get your boss to introduce a resolution that would constitute a Congressional finding that Iraq was guilty of a consistent pattern of gross abuse of international human rights standards. In due course, Congressman Yatron did introduce such a resolution.

Then something strange happened. A few days after the resolutions was introduced, someone from H called on me to check whether I would clear on a favorable State Department report on this resolution. I said yes, certainly. But then H failed to check with NEA. So the message that went from the State Department to the Hill was that thAdministration had no problem with the resolution. A few days later, NEA found out about it. They probably thought I had done an end-run around them, which I had not. It had been an oversight in H [the Congressional relations bureau]. At any rate, NEA promptly got to the Hill to say no, no, no, don't pass this resolution. For the next year and a half, the resolution was a contentious issue in the House Foreign Affairs Committee. Then, in August 1990, came the invasion of Kuwait and the issue of U.S. assistance programs for Saddam Hussein was moot.

While the resolution was still pending, a hearing was called by the House Foreign Relations Committee on the subject of Iraq. Testifying for NEA was the new Assistant Secretary, Jim Kelly, and for the Human Right Bureau, Josh Gilder, who then served as Principal Deputy Assistant Secretary. As I saw it, our Iraq policy until the invasion of Kuwait was NEA's policy. Subsequently our Ambassador to Iraq, April Glaspie, was hung out to dry. I believe she was doing no more than following the policy laid down by the NEA Bureau.

Q: Oh yes, I mean this is very much what I, you know, there wasn't a real pol, the point was that we didn't have a hard and fast policy

SCHIFTER: Let's put it this way, NEA had a policy that seemed to be followed but no one on the seventh floor told me, "Stop fighting NEA." I was so convinced that I had read Saddam Hussein right that I continued to argue with NEA for a year and a half.

Q: How did you treat the human rights reports, I mean there is always a great deal, from what I understand, I haven't been involved, but a gnashing of teeth and all of this, each bureau, you know lines up its human rights reports and all of that?

SCHIFTER: I'll come to that. Let me tell you one other story about a policy conflict between the Human Rights Bureau and another bureau, namely the European Bureau. At one point we had to deal with the question of whether to impose sanctions on Poland for its repression of the Solidarity Movement. I was on the hard side and the European Bureau on the soft side. We had a similar disagreement when we first drew up the rules that would guide the Vienna Conference of the CSCE, I was again on the hard side and the European Bureau was on the other side.

I was a member of the delegation that accompanied Secretary Shultz to Moscow in April 1987. It was my first visit to the Soviet Union and what I saw there confirmed my views on the subject of Communism. I visited Moscow on two other occasions that year. It was on the second visit, in November, that I participated in what turned out to be a very important meeting. We had a very small delegation on that occasion, just Deputy Secretary John Whitehead and me. One of our very important meetings was with Foreign Minister Eduard Shevardnadze. After the usual amenities, John Whitehead started our dialogue on the theme of prisoners who had been convicted on the ground that they had given expression to their political or religious beliefs. Shevardnadze heard him out and then said, "I understand what you're saying, but please keep in mind- (end of tape)

These people were convicted under the laws of the Soviet Union by the courts of the Soviet Union. They are in prisons under the jurisdiction of the Interior Ministry. I am the Foreign Minister. There is nothing I can do about this problem."

It was at that point that an idea popped into my head and I broke in to say: "Mr. Minister, the fact is that the laws at issue here," and I gave him the paragraph numbers, 72, 190.1, 142 and 227, the first two limiting freedom of speech; the last two limiting religious observance "are in conflict with the International Covenant on Civil and Political Rights, to which the Soviet Union is a party." This covenant was negotiated by the foreign ministry. It is, therefore, a foreign ministry responsibility to see to it that the Soviet Union adheres to its international commitments. The articles of the Criminal Code that are in conflict with the International Covenant should be repealed and anyone convicted only under these articles should be released." I still remember looking at Shevardnadze as this was being translated to him and I thought I saw a sign of genuine interest in his eyes, but he didn't say a word.

A few months later I met with one of his deputies, Anatoly Adamishin, with whom I am still in touch. We were having lunch and talked about our business and in the course of our conversation, the issue of political prisoners came up and Adamishin said to me quite casually: "We have decided to bring ourselves into compliance with our international obligations." Sure enough, by the end of 1988 every one of the persons on our list of prisoners of conscience was out of prison. There was no question Shevardnadze was responsible for getting it done.

As I saw these developments throughout 1988, I gradually began to change my views on the Soviet Union. So did Secretary Shultz and so, indeed, did President Reagan. I have always assumed that Ronald Reagan had not read books or treatises about Leninism and had not given a great deal of thought to the ideological underpinnings of Communism. But when he was head of the Screen Actor's Guild and a New Deal Democrat, he learned what Communists in Hollywood were like. Then, when he saw the changes that Gorbachev was bringing about in the Soviet Union in 1988 and when he saw how Gorbachev was dealing with him and what he was saying, he recognized that the Gorbachev of 1988 was not behaving like the Communists whom he had encountered in Hollywood fifty years earlier. So he changed his outlook on the Soviet Union. So did George Shultz, who had had a similar experience with Foreign Minister Shevardnadze.

I can share an amusing development with you regarding my own assessment of the changes that were then occurring in the Soviet Union. Back in 1986 or 1987 I had, in explaining my views on the Soviet Union, made a remark to an officer of the European Bureau to the effect that my mother's outlook had been one of sympathy for the Menshevik outlook. (The Mensheviks were the anti-Communist wing of the Russian political left.) I had gone on to say that my mother's views still had an influence on me. Before long the report that came back to me was that that officer had said: "The trouble with Schifter is that he is a Menshevik ideologue. He hates the Bolsheviks." Two years later the same officer was reported to me to have said: "The trouble with Schifter is that he thinks the Mensheviks have taken over in Moscow."

My new assessment of the Soviet Union played an important role in a series of events in November 1988, following the Presidential election. One of the periodic conferences of the Conference on Security and Cooperation in Europe (CSCE) had been meeting in Vienna since 1987. Secretary Shultz had made it clear that he wanted to bring the meeting to a satisfactory conclusion "on his watch, " that is before January 20, 1989. Getting a good final statement from a CSCE meeting was useful, but it was only a statement of good intentions. What was important about concluding this meeting with an agreed statement was that it would promptly be followed by negotiations on a CFE treaty, that is, an agreement on limiting Conventional Forces in Europe.

But getting the CSCE meeting in Vienna concluded turned out to be a challenge. Following the election of President G.W.H. Bush, the word was out that some members of the new Administration thought that President Reagan and George Shultz had gone soft on the Soviets. I became vividly aware of that fact around the middle of November. I had had some meetings out of the office and when I got back I saw a cable on my desk that was to be sent to Moscow. I read the cable. It instructed the Embassy in Moscow to deliver a message to the Soviet Foreign Ministry regarding the CSCE meeting in Vienna. The conclusion that I reached rather quickly was that the tone and content of it would leave the Soviets with the impression that we were not interested in getting the Vienna meeting concluded soon and moving on to the CFC talks. The cable had been drafted in the European Bureau, but as the issues under discussion dealt with human rights, I, too, had jurisdiction over the subject matter.

As soon as I had digested the text, I called the Executive Secretary. It was Mel Levitsky at that time. I told him that I had read that cable and said: "Mel, I am not clearing it." The response I got was: "Sorry, I was told it was urgent and I sent it in to Secretary and he signed off on it." So I said: "I'm absolutely certain that this does not reflect Administration policy, it does not reflect the Secretary's view. He probably didn't have a chance to look at it carefully. Get me an appointment with him as soon as you can."

As I recall, I saw Secretary Shultz two days later. I explained that I had wanted to see him about the CSCE meeting in Vienna and, asked, just to make sure, for him to state for me his position on how to deal with the meeting in the remaining two months of the Administration. He told me again that he wanted to be sure that the Vienna meeting came to a successful conclusion before he left office. So I said, "That's what I thought." I then showed him the cable that had gone out, in which I had underlined the sentences that I thought were contrary to his policy and said: "Mr. Secretary, this sends the wrong message to the Russians." He looked at the text and then became very, very silent. I had been told that when George Shultz gets very angry, he gets very silent. He was obviously boiling mad. I then said, "It so happens, that I am about to go to Moscow. If you want to send new instructions with me, I'll be able to deliver your message." He thought that was a good idea. We then talked for a while about the matters that we needed to see resolved before we could agree to a final statement at the Vienna meeting. We went into quite a bit of detail as to what we needed from the Soviets. The requirements that we listed were important but they were within the new framework in which Gorbachev and Shevardnadze were moving. With some good will on their part they could agree to them. I still remember that as Shultz walked me to the door, he said: "When you get to Moscow, you can tell them that I have problems with my bureaucrats too."

Q: [Laughter].

SCHIFTER: So, as I walked back to my office, I began to reflect on what might be going on in Moscow at this point. It was Thursday. The cable had gone out on Tuesday. I could assume that the demarche that the Embassy was instructed to deliver was delivered on Wednesday. I wasn't going to be there until Monday and I said to myself: the Soviet Foreign Ministry would read the demarche the way I had read it, would consider it a sign that the United States was not interested in completing the Vienna meeting before January 20 and a new, less cooperative attitude may gel in Moscow before I got there. I concluded that I needed to get word to the Soviet Ministry that I am coming with new instructions and urging them to hold everything. The question that I was asking myself was how I could get this message there. My loyalty was to the incumbent Secretary of State, George Shultz. As for the European Bureau: I had been the hard-nosed one in the past, when EUR was softer. But now EUR thought that, as I said earlier, that my problem was that I thought the Mensheviks had taken over in Moscow. More importantly, EUR was at that particular point getting ready for the new management, which was expected to take a tougher position in it dealings with the Soviets.

Under these circumstances, I felt it was the better part of valor not to tell EUR of the instructions that I had received from Secretary Shultz regarding our human rights negotiations with the Soviets. I also doubted that I could share this information with our ambassador in Moscow, Jack Matlock. Only years later, when I read his book, "Autopsy on an Empire" did I discover that his thinking at that time and mine coincided. So, on that Thursday, having just talked to Secretary Shultz, the question with which I wrestled was how I could get a message to Moscow to hold everything until my arrival the following Monday. I then did something again that a career Foreign Service Officer would not do, but that I thought was the right thing to do under the circumstances. I called the Soviet Embassy and asked for the DCM, Sergey Chetverikov (who, by the way, lives in Chevy Chase now and practices law in Washington). I said, "Sergey, will you please send a message to your people in the Ministry that I am coming to Moscow, that I'll be there next Monday with instructions from the Secretary of State regarding the Vienna CSCE meeting. Tell them to hold everything until I get there. Don't come to any conclusions."

The trip that I was taking to Moscow was a trip arranged by the Congressional CSCE Commission, on which I served as the State Department member. Il remember correctly, the delegation was headed by Congressman Hoyer. I started out at a session organized by the Congressional CSCE Commission. However, shortly after the meeting started I received a request to step outside. There I was greeted by my friend Anatoly Adamishin, who said: "We got your message, A meeting has been set up for you this afternoon with Anatoly Kovalev." Kovalev's title was Senior Deputy Foreign Minister, but there were quite a number of Senior Deputy Foreign Ministers. He held the highest-ranking position among them and was the Number 2 in the Foreign Ministry.

I recall that we met at 4 P.M. He started out by saying: "I understand you have direct instructions from the Secretary of State." I said, "Yes." And he said, "When did he give you these instructions." I remember saying, "Last Thursday." So he turned to one of his staff members to ask when the demarche on the Vienna meeting was made and sure enough it had been made on Wednesday, the day before I had received my oral instructions. So my instructions trumped whatever had been in that cable..

Q: [Laughter].

SCHIFTER: Kovalev and I then spent three hours going through an enormous amount of detail regarding the human rights issues that would have to be resolved so as to allow agreement to be reached on a final statement in Vienna. At one point I realized, as we proceeded, that I should really check with Warren Zimmerman, who headed the U.S. delegation at the Vienna meeting. Kovalev said, "No, no, no, no. This is a matter between us. We don't need 33 other countries to get involved in this. This is strictly between the United States and the Soviet Union." It was clear to me at this point that if I wanted to get something done at this session, I had to skip over bureaucratic niceties.

I went through the list of issues that Secretary Shultz and I had discussed. I still recall that at one point, when we got to the Jewish refusenik cases, the cases of persons who had been denied permission to leave the Soviet Union, I said, in accordance with my instructions, that we wanted a "significant number" of the cases resolved in the weeks immediately ahead. Kovalev responded: "What does a significant number mean? Exactly what number?" The Secretary and I had not discussed a specific number, but I wanted to be responsive. So, as we were talking, with the time taken by translations allowing me time for thought, I asked myself how many cases per day can they get the KGB to process. I concluded that two in the morning, two in the afternoon, four cases a day, twenty a week would be a reasonable number. I also figured that we had six weeks left before we needed to make a final decision on whether we could close the Vienna meeting before the Reagan Administration left office. Six times twenty was one hundred and twenty, so I said to Kovalev: 120 cases. They wrote that down.

Q: Okay.

SCHIFTER: There were various other matters that we worked on. When we got to 7 P.M. Kovalev said: "I'm going to see the minister now." So he went off to see Shevardnadze. The next morning I was some place else in town with the Congressional CSCE Commission when I get word that the Ministry of Foreign Affairs is sending a car for me, because they wanted to talk to me without delay. So I got to the Ministry and was promptly taken to the office that had been set aside for my meeting. As I walked in I was greeted by one of the officials with whom I had done business in the preceding year. His name was Alexei Glukhov. As I sat down, without any further preliminaries, he said: "All right, give us the 120 names." That is how our conversation started. For the rest of it, the said "yes" to everything that had been on the list on which I had worked with the Secretary, except for one item. I was also handed a letter from Shevardnadze to Shultz, confirming the Soviet's commitments. The one exception to their acceptance of our points was our suggestion that the government make a public declaration of its intentions in the human rights fields. They said: "We are not going to make this public statement right now, but we promise we are going to make a public statement on this subject soon. Sure enough, the following month, December 1988, Gorbachev delivered a long speech to the UN General Assembly. Sandwiched into that speech was the commitment that we were looking for. At any rate, the upshot was, we got it all done on George Shultz's watch and on January 19 we were in Vienna for the adoption of the CSCE statement. The CFE negotiations started shortly after that.

Q: Well, did you have a good way of monitoring compliance with the Soviets? I mean obviously they were releasing people of the?

SCHIFTER: Oh, yes. Oh, let me just tell you, we had an extremely good system including the work that was being done by Helsinki Watch. We really were on top of all the developments, including the release of prisoners. As it is, there was one important human rights matter left to be resolved after the Vienna meeting. It was the issue of abuse of psychiatry.

Q: Could you explain what you mean by the abuse of psychiatry?

SCHIFTER: My impression is that if the KGB decided that it would be too complicated to go through a criminal process against a person, whom they wanted to put away, they would get two psychiatrists to sign a statement that this person had a case of what they referred to as "sluggish schizophrenia." These were people who were either politically active or in many cases were engaged in religious activity. After the psychiatrists had signed the statement, they would be spirited off to mental institutions and very often would be injected with drugs that would really make life very, very unpleasant for them. So, these were the cases that we were after, the abuse of psychiatry cases. We had made a major issue of these cases of abuse of psychiatry and, I believe, some time in 1987, this practice was really stopped. A Ukrainian physician, Dr. Koryagin, had led the effort to expose the practice of abuse of psychiatry and had been convicted for that reason. By 1988 he was free and able to speak on this subject openly.

But, as we then discovered, the Soviets did not have clear records as to who had been committed because of mental illness and who had been committed for reasons of political or religious activity. There had been an organization in Munich that collected data on this problem and by early 1989 they were concerned that some mentally healthy people were still committed for "sluggish schizophrenia." We were given a list of persons alleged to have been improperly committed and urged that in the new Soviet Union these people should be released.

Mental hospitals were under the jurisdiction of the Ministry of Health. The Minister, Dr. Chazov, was one of the few left-overs from the Brezhnev era and he seemed to stand in the way of a complete resolution of this problem. When I asked my interlocutors in Moscow why he was still there, they said: "Don't you know?" I said, "No, I don't know." It was then explained to me that Dr. Chazov was a cardiologist and had treated many members of the Politburo. He was their doctor and they were not going to fire him. So he was stayed on.

When this matter was called to Shevardnadze's attention, he made it clear that he would have no problem with American psychiatrists visiting the Soviet Union to check this problem out. I made arrangements for a psychiatrist from Pittsburgh, from Carnegie-Mellon, to go to Moscow to negotiate arrangements to follow through on Shevardnadze's assurance. It soon became clear that we would not be able to reach a satisfactory arrangement with the Ministry of Health. When we took up the issue with the Foreign Ministry, I was advised to take the matter to the Central Committee of the Communist Party and talk to the officers who were the Party liaison with the Health Ministry. The Foreign Ministry made the appointments for me.

I then went to the Communist Party Headquarters in Moscow and negotiated with the liaison people for the Health Ministry rather than the Health Ministry itself. We should keep in mind, this was spring 1989 and the Central Committee people were attuned to the new Gorbachev line, whereas the Health Ministry was still doing business the old way. On the basis of the agreement that I had reached with the Central Committee staff, I was able to arrange for the psychiatrist from Pittsburgh to visit Moscow and make the necessary arrangements for what really was an inspection visit. He put together a delegation consisting of American psychiatrists and also Russian-speaking psychiatrists who were recent immigrants from the Soviet Union. Looking back, it is truly amazing to note what rules were agreed to regarding the visit. When our people were interviewing a patient, no Soviet was to be in the room. To be sure, we could not control as to whether there were listening devices in place. However, we insisted that we would take urine samples from the patients to be sure that they had not been drugged. Also, because we could not trust their labs, our delegation brought dry ice along, so as to be able to bring the urine samples back to the United States. They agreed to all of that. It was an unbelievably intrusive trip.

Q: Oh, yes.

SCHIFTER: It could not be done today. But in 1989, with Shevardnadze there and Gorbachev and Yakovlev, we were dealing with people who thought that the system had to be cleaned up and were willing to accept our help in cleaning it up. I think our people came to the conclusion that eight of the persons they saw should be released and they released them, just took our word for it. I may have said to you earlier that my mother had trained me to hate the Communists and to be actively involved in ending this system was really one of the most exciting experiences of my life.

Q: Oh, yes. Well, what about other places? I mean, for example, I have this standard that every year from back when Human Rights reports were done, there is a long negotiation of the human rights report in Israel. You know a problem of they treat Palestinians. This is even before it was a shooting thing, I mean how did you get, how did this play out?

SCHIFTER: It so happens that during my tenure, the Human Rights report on Israel became known in Israel as the Schifter report. Nowhere else in the world was it known as a Schifter report. As I look back at it, I really had enormous gall in telling Yitzhak Rabin how to run the army during what came to be known as the first Intifada, yet I did just that. He would get quite red inn the face when he and I talked. I was recently told that he viewed me as an "American cop" and was surprised when he heard that I was deeply interested in Jewish emigration from the Soviet Union.

When I had my initial interview with George Shultz about taking the position of Assistant Secretary for Human Rights, we agreed that what we needed to do is cure the problems that we encountered rather than wringing our hands or shouting from the rooftops as to what we found wrong. The thing to do is to go public and denounce human rights violators only when its is clear that they are not listening to reason.

To return for a moment to the Soviet Union, when the Soviets began to pay attention to our suggestions, I decided to stop denouncing them publicly. Similarly, in the situation involving Israel during the first Intifada I thought we should try to get the Israelis to end the practices of which we disapproved. For example, the Israeli army would send a patrol into a Palestinian area and they would get into a setting where the soldiers would feel threatened and would then shoot their way out. So, what I remember saying to Rabin, who was then the Defense Minister, was, "I can't tell you that you shouldn't patrol a particular area. However, if you send one jeep in there and your soldiers then are being pelted with rocks, they will shoot their way out. If you send much larger patrols they won't be attacked." I was told that they really paid attention to this suggestion and relied on larger patrols.

Thus, what I was after in my dealings with Israel was to make sure that matters of concern to us in the human rights field were resolved and the conditions under which Palestinians lived were improved. One of the problems that NEA had was an institutional problem. The U.S. Consulate General in Jerusalem obtained information about serious human rights problems in the Occupied Territories, but it did not report directly to the Embassy in Tel Aviv, it reported to Washington, which, in turn, advised the Embassy in Tel Aviv. Yet, only the Embassy, not the Consulate General, had direct contact with the Israeli Government. The result of this complex arrangement was that the NEA posts tended not to work on the needed problem solving in this field. Instead they went public with criticism, criticism that was directed against a government that on quite a number of issues would have changed its way of handling matters if the right Israeli official had been addressed by a reasonably high-ranking official at the Embassy.

I had no doubt that there were human rights problems in Israel and the Occupied Territories. I believed that we should seek to address them in direct discussions with Israeli officials, and if we failed to get a prompt correction, should list them in our human rights reports. That is why the so-called "Schifter Reports" received so much attention in Israel. At the same time I did have disagreements with NEA as to the standards that should be applied in dealing with Israeli actions before they are branded as human rights violations. I was handling U.S. human rights policy throughout the world and held to the principle that we should apply a uniform worldwide standard in judging actions as human rights violations requiring intercession by the United States. The human rights officers at the Consulate General in Jerusalem who wrote the first drafts of the human rights reports on the Occupied Territories, by contrast, could not possibly have this worldwide picture in mind. From time to time they also accepted assertions of human rights violations without checking the facts. Finally, they seemed to assume that U.S. human rights policy was to be guided by ACLU standards. When these drafts from Jerusalem arrived in Washington, NEA found itself obligated to defend them. That is when lengthy negotiations started between the NEA bureau and the Human Rights bureau about the text of the report. As I saw it, it was my responsibility to adhere to a consistent standard in the final texts of all the reports, rather than judging Israel by standards that were significantly different from the standards applied to other countries. The result was, as I have already noted, an annual discussion to resolve the differences between NEA and HA over the text of the Israel and Occupied Territories human rights report. The last series of differences, in 1992, caused me to resign as Assistant Secretary of State.

Q: Well, of course the thing is that Israel has been treated differently and it has benefitted by the fact that we have given lots, I mean you know, tons of money.

SCHIFTER: I am not talking about money, I am talking about human rights standards.

Q: I know, I know that, but what I'm saying is that Israel has always been held up as the shining light and the true democracy and all of that. SO that in a way I can understand?

SCHIFTER: It is indeed a democracy, the only democracy in the region. But human rights violations occur in democracies as well, particularly when they are under attack. As I have already pointed out, I was highly critical of a good many Israeli practices. But before going public with a complaint I tried to get the matter resolved. To cite another example, I pressed very hard against the practice of administrative detention and I really got the number of administrative detention cases down very, very substantially. And I remember being told that one Israeli defense counsel for Palestinian defendants, I believe his name was Avigdor Feldman, had said: "There are hundreds of Palestinians walking the streets freely who had been released from prison as a result of Schifter's work, but they still disapprove of him because he doesn't call the Israeli government Nazis"

Q: Well, you know, I've talked to, interviewed people who have been saying that a consul general in Jerusalem will report on this often and the picture one gets that this is before the present situation as far as Sharon government came in is that it somewhat resembled our police dealing with blacks down south or the?

SCHIFTER: There is no doubt that this is a problem.

Q: You know I mean these were, it's the wrong word because it's a loaded word, but that they were, that the Palestinians were treated as utraminge. You know, they weren't treated?

SCHIFTER: There is no doubt that there is a great deal of unfairness in how Palestinians are being dealt with in Israel. I remember once calling in the Israeli ambassador, Moshe Arad in the course of the first Intifada. It was I believe the only occasion when I let my personal background color a statement that I made as a government official. What I said was, "A Jewish army shouldn't behave that way."

But I got into real problems with NEA about was the use of terminology that was picked up from the PLO propaganda machine. As I have mentioned a matter of fact, I resigned in 1992 when NEA and HA could not reach agreement on a few statements in the report and Secretary Baker decided to side with NEA. We disagreed on three issues. One concerned Israel's undercover military units that consist of men from families that came from Arab states, Jews who looked like Arabs. They would dress like Arabs and would be sent out to make arrests of people who were deemed to be armed and dangerous. There would occasionally be a shoot-out in which persons resisting arrest were killed. As I recall it, in 1991, the year covered by the report issued in 1992, there were 27 persons who were killed. I made a point of checking what the total number of arrests was. There were over 300. The number of persons killed was thus less than 10% of the number arrested. That suggested to me that killing the targeted persons was not a general practice, that it happened only, as the Israelis argue, when the person that was to be arrested resisted and drew his gun.

Our controversy was over the question whether these killings constituted "political and other extrajudicial killings." The Israelis said that the 27 were armed and dangerous. The PLO said they were unarmed and had only written graffiti. Obviously no consular officer was present when these events occurred, but NEA accepted the PLO version of events. I, by contrast, thought that given the total number of arrests that did not result in shoot-outs, the Israeli version sounded more reasonable. I suggested as a compromise that we list these cases under the rubric "excessive use of force." My point was that political killings such as those that had occurred in El Salvador, where the Catholic Archbishop was killed in 1980 for his political views, killings in Chile and Argentina, and in various other places where governments decide to mark opponents for death and have them carried out in a manner that would constitute first degree murder in the United States.

Q: Of course this was a different era, I mean, during the Sharon period which is today, there's a different attitude, I think.

SCHIFTER: Well of course today they use helicopters and missiles to go after terrorists. In the first Intifada we had these shoot-outs.

Q: Yes.

SCHIFTER: That was one of my points of disagreement with NEA over the report for 1991. The other issue that I remember was that curfews were referred to in the NEA draft as collective punishment, which would be a violation of the Geneva Convention. The PLO used that term to apply to curfews so as to invoke the Geneva Convention and NEA bought into that terminology. I did not view curfews as collective punishment as that term is used in the Geneva Convention. I believe that the collective punishment clause was placed in the Geneva Convention as a result of what happened in World War II at Lidice. Are you familiar with Lidice?

Q: I remember Lidice, yes. Heydrich was killed and?

SCHIFTER: This happened in Czechoslovakia in 1943 after the SS leader Heydrich was assassinated in that town. The Germans shot every male over the age of 16 and sent all women and children to other parts of Czechoslovakia. That's collective punishment, the kind of cruel measures that caused the drafters the Geneva Convention to outlaw it most explicitly. When the drafters used the term "collective punishment" they were thinking of Lidice and similar mass executions for acts that may have been committed by one person or just a few persons.

Q: I mean I could see where it could be arguable if the curfew was not the normal dawn to dusk, I mean dusk to dawn.

SCHIFTER: That's what it was.

Q: Because there can be a curfew where, there's a curfew where you have one hour to go out and do the shopping. That's punishment.

SCHIFTER: Well, let me put it this way, the cases that I know about where these night curfews, those were the ones that were called to our attention.

Q: Oh, yes, well that would be a different, you know?

SCHIFTER: Well, what I am saying is that we had these arguments over terminology.

Q: Well we'll come back to the reason for your resignation but what about, taking a look around, what about, where most, we've talked about the Soviet Union and Israel, where else did you find your attention posted?

SCHIFTER: Well, one area, one country where I really believe we did a lot of good was Taiwan.

Q: Okay.

SCHIFTER: This was really very, very interesting experience too. It was something like Chile where I believe that by working with Ambassador Errazuriz, who had a lot of influence in Santiago and was able to make sure that the leadership in Santiago was paying attention. In the case of Taiwan we had to overcome the problem posed by the fact that we were not supposed to have official relations with their quasi-Embassy. So, to enable us to do business with each other, my wife and I would be invited for dinner at the ambassador's home, the quasi ambassador's home. His name was Fred Chien. Before we sat down for dinner, he and I and a few members of his staff would go into another room and discuss Taiwan's human rights issues. I soon discovered that Taiwan paid an enormous amount of attention to our human rights reports. Every year, before the report was in final form, my wife and I would have dinner at the quasi-Embassy and we would have our pre-dinner discussion. We would go through the previous year's report paragraph-by-paragraph, line-by-line. And the Ambassador would say: "Here's something that you got right, but we have cured it and here is our evidence." Or "This one you didn't get right. Please, make sure to have it checked out." Or "This is something that we still aren't doing right." Here I could see most vividly how much our human rights reports accomplished. Ambassador Chien took seriously what I told him the first time we met. I said, "You know, Ronald Reagan is now President of the United States. He still remembers Chiang Kai-shek and his relationship with the United States. But when you get a new generation of U.S. officials, and if there is no difference between you and Communist China, then you're going to lose U.S. support. Your only future as Taiwan is to become a democracy, a real democracy. The Ambassador had been trained at Yale. He understood what I was talking about and I really think he played an important role in Taiwan's movement toward democracy.

Q: How about, did you get involved in a lot in Central America.

SCHIFTER: Yes.

Q: How did that work, I mean that was a mess.

SCHIFTER: It was a mess. There were serious human rights violations committed by the Salvadoran army for example, as it was struggling against a Communist-led insurgency. But we helped clean it up. When the elder George Bush served as Vice President, he went to El Salvador and told the military: "We can't continue to help you if you continue what you're doing. You've got to stop." They did not clean up their act completely, but they made a great deal of progress. By the time I came in as Assistant Secretary, Jose Napoleon Duarte of the Christian Democratic party was President. I developed a very nice relationship with him. I believe the U.S. was of real help to Duarte against both the right and the left. It was the Arena party on one side and the FML on the other.

Q: Well, were you able to go into places such as Nicaragua and all or did you not?

SCHIFTER: Nicaragua had at that particular point been taken over by the Sandinista.

Q: Yes, I know and I was wondering whether, I mean we continued to have an embassy there and I was wondering whether?

SCHIFTER: There was nothing we could do with the Sandinistas. As a matter of fact, what I do remember at one point, I had a meeting with the Soviet DCM in Washington. This must have been in 1987. He said: " We want to improve our relationship with the United States. What can we do? I answered: "One thing you can do is get out of Central America." I due course they did.

Q: What about South Africa? What was?

SCHIFTER: We were all in support of change. Chet Crocker was Assistant Secretary for Africa in those years.

Q: Well his policy, which really turned out to be the right one, I think of?

SCHIFTER: Constructive engagement.

Q: Constructive engagement really worked, but it was highly controversial at the time.

SCHIFTER: Here, too, I was sympathetic to problem solving. I recall our emphasis on investment in education in the black areas.

Q: Was there any, how about some of the other African countries. Did you work in them at all?

SCHIFTER: No, there was very little that we could really do. It's the same problem in some of the Arab countries. If I were asked if we could do something in Saudi Arabia, I would answer: "Not really." What it came down to in effecting change is that we had to have at least some base on which we could build in the human rights area. In the case of Chile, for example, there were many leaders in the democratic opposition to whom I could talk. As a matter of fact, I remember saying to them: "If you want to succeed in your efforts, get out of bed with the Communists." Then we can really get to work to be able to give help to you. We did that also in El Salvador where we worked with the democratic center, with Duarte, and I think that was productive.

Q: In Egypt, could you do anything there?

SCHIFTER: Toward the end of my tenure I visited both Tunisia and Egypt. The conclusion I had reached was that we could accomplish most was to reform the courts, to introduce the rule of law. I had started such an effort in the Soviet Union and had made progress there. We had inquired of all federal judges whether they might be interested in signing up for visits to the Soviet Union for meetings with Soviet judges. The Soviet Ministry of Justice had for many years maintained an in-service training center for judges. Judges would come to Moscow from all parts of the Soviet Union for a number of weeks at this training center. The arrangement that we were able to make with the Ministry of Justice was for a group of American judges to spend about two weeks with them in the same facility. The American would eat meals together with the Soviet judges and interact with them socially. Seminars were held in which our judges would talk to their Soviet counterparts about the administration of justice in the United States. This is where some U.S. judges heard the term "telephone justice" for the first time. That term referred to the practice under which, in cases deemed to deserve attention, the local Communist Party boss would call the judge to tell him how to decide a case. By the time these sessions were taking place, the Soviet judges were so pleased to report that telephone justice had come to an end. The U.S. judges participating in this program came back very enthusiastic about their experience. Many of them told us: "Sign me up again!"

I had hoped to introduce programs like this one in Tunisia and Egypt. But, as I mentioned, it was the end of my tenure my successors did not get pick up on this idea.

Q: Well what happens in '92, you say, what sort of caused you to resign?

SCHIFTER: As I mentioned, the precipitating cause was Secretary Baker's decision on the human rights reports. (I was told that Baker had actually not looked at the matter, that the decision was made in his name by Margaret Tutwiler, who served on the Secretary's staff.) But I had also been troubled about our China policy, which, I felt, failed to respond adequately to the Tiananmen massacre. After the end of the Cold War I had also become a strong advocate of humanitarian intervention. I wanted us to get involved in Somalia early and did not find a great deal of receptivity to this idea on the Seventh Floor. I had also wanted us to play an active role in Liberia. My notion was that with the Soviet Union no longer blocking us, we could us the UN to solve serious humanitarian crises.

As I saw it, there had been a complete breakdown in law and order in Somalia. Bandits were driving farmers off their land. So that, in addition to the drought problem, even where there was water, little farming was done. As a result, the country had serious starvation problems. My thought was for the UN to send in troops, get those bandits out of the way and the farmers back on the land, farming. But I could not stir up enough interest in that idea. As it is, we finally did go into Somalia, but it was eight months after I had left the Department and close to two years after I had first urged us to pay attention to this matter

And then along came the dispute with Ed Djerejian.

Q: This is Edward Djerejian.

SCHIFTER: Yes.

Q: He was assistant secretary?

SCHIFTER: For the Near East Bureau, yes.

Q: Well, you left, I mean you know, looking back on it, you must have quite a bit of satisfaction about matters that were settled or at least?.

SCHIFTER: Oh yes. When I think back to all of the projects that I have recited, I really feel good about these six and a half years as assistant secretary. Yes, I think we got a lot done.

Q: Well, I see your name in the paper. You just went briefly...

SCHIFTER: I came back to serve again in the Government in '93. I had met Bill Clinton in early 1990 at a Renaissance weekend in Hilton Head, South Carolina. I had been invited to participate in these weekends, which took place around New Year's Day at which we gathered in discussion groups on various current issues. After I had heard him a number of times, I said to him that if he ever ran for president, and if I am not in the government at that time, I would work in his campaign. So on the very first day after I had resigned and was home, the phone rang and there was Bill Clinton saying: "I hope you can help me on foreign policy in my campaign." So I became involved in the Clinton campaign in 1992. Shortly after the inauguration,Tony Lake, the new National Security Advisor, invited me to his office and told me that the President would want to appoint me Ambassador to Germany. But my wife was still working at that time as a member of the Maryland Public Service Commission. I did not want her to give up her job so I said, "Thank you, but my wife has embarked on a career after she raised our five children and it would not be right for me to ask her to give up her job. And we certainly did not want to live separated from each other. So Dick Holbrooke got the appointment instead. I had told Tony Lake that I would be interested in serving on the National Security Council Staff. So I worked there as Counselor from '93 to '97 and then from '97 to 2001 as Special Advisor to the Secretary of State. While serving on the National Security Council staff, I had concluded that to deal with the aftermath of the war in Bosnia, we needed to get all the countries of Southeastern Europe to come together and try to join in solving regional problems. With Tony Lake's approval, I then helped create the Southeast European Cooperative Initiative, SECI, that brought 11 countries together. It had now expanded to 12. SECI's most important accomplishment was the creation of an anti-crime center in Bucharest. It deals with the problem of organized crime, with a particular focus on trafficking in human beings.

Q: Now, this of course, you think Ukraine and Romania and Moldova, particularly these women.

SCHIFTER: That's it. That is what I am talking about.

Q: But, I mean, the sex traffic, not just sex but also servants,

SCHIFTER: Yes, but mostly sex.

Q: Mostly sex, I mean you know it's a horrible thing.

SCHIFTER: Exactly.

Q: And it has not had the attention in the way, at least within the United States?

SCHIFTER: If you're interested in that, I could tell you that story too.

Q: I want to, I've had a long set of interviews with Theresa Lord

SCHIFTER: Oh, yes. We started SECI in 1996. Shortly thereafter the Ambassador of Romania in Washington came to see me and said: "My government wants to put a center together in Bucharest to support the cooperative effort in the region." My answer was that a center that does not have a specific, clearly defined mission would really not work. As we were thinking of what an appropriate mission might be, I suggested fighting organized crime. The Romanian Ambassador agreed. A few days later he reported back that of all the recommendations that he had made to his government, this one had been greeted with the greatest amount of enthusiasm. We then began to work together to set up this anti-crime center in Bucharest. I then thought we should give the anti-crime effort a very specific focus. That is when I picked up on the issue of trafficking in women.

When I first tried to launch this idea, I called the National Security Advisor to President Constaninescu of Romania. But the Advisor did not understand what I was talking about. What he was thinking was that I wanted to outlaw prostitution. I tried to explain to him that it was merely a matter of pursuing people who were trafficking in women, often against their will. Well, he didn't get it. So I remember I called our DCM, Susan Johnson, who really is the best Foreign Service Officer that I've ever met. Do you know Susan Johnson?

Q: Is she retired yet?

SCHIFTER: No, no, she's in Iraq just now.

Q: Okay.

SCHIFTER: At any rate, Susan then talked to the foreign policy advisor to President Constaninescu, who was a woman and who immediately understood what I as proposing. She said she would talk to the President about it. Constaninescu agreed, delivered a speech on the subject, and the other states in the region signed on to this idea. If you go to the SECI Center in Bucharest you will see the cubicles next to each other in which policemen from Greece, Turkey, Bulgaria, Albania, and all the other countries of the region work in cooperation with each other to fight organized crime.

Q: That's great.

SCHIFTER: That's what kept me busy from 1996 until 2001.

Q: How did you find the NSC as a working apparatus under Clinton?

SCHIFTER: I have a very high regard for Tony Lake. He is really as far as I'm concerned, the unsung hero because- (end of tape)

Tony is a person who really did what was needed to be done regarding Bosnia. Oh, yes, that was another thing that I was concerned about in the Bush I administration, our policy in Yugoslavia.

Q: Yes.

SCHIFTER: At any rate, Tony wanted to do something about the problems of Bosnia and my impression was and it remains that General, then General Colin Powell was opposed to the use of our military in bringing that war to an end.

Q: The Powell Doctrine was essentially "Don't do anything."

SCHIFTER: Tony really tried to get the U.S. engaged in bringing peace to Bosnia. I need to tell you that Warren Christopher was not very helpful either in that regard. But, when Powell's term a Chairman of the Joint Chiefs had expired,, Tony in his quiet way went to Moscow, Paris and London and really got an arrangement worked out under which we became engaged in Bosnia in 1995, in cooperation with the other major players. Madeleine Albright followed through, but I have mentioned Tony Lake because so few people know of the major role that he played in brining peace to Bosnia. He really was proud of the fact that he was doing things quietly, but he did them extremely effectively. That is why I have a very high regard for him.

Q: You mentioned in Bush I that Yugoslavia came up, were you involved before you left?

SCHIFTER: Yes, I was in Belgrade in the spring of 1991.

Q: You mean?

SCHIFTER: 1991. Yes. And I gave a talk at the University of Belgrade. I still remember that I started out by saying: "If you ask me what is the United States policy toward Yugoslavia, it is that we are fully supportive of the continued integrity of the Yugoslav state." Then I continued: "I have been in your country for about four days. I have not met a single person who shares the U.S. view. It seems to me that your country is coming apart and that under these circumstances one of the questions that you might consider is how the successor states could be working democracies." Here, too, my view was that in the post-Cold War period we should become actively engaged. I believed that we should lean on all the relevant parties to see whether they can, instead of maintaining the integral Yugoslav state, which no one seemed to want, become either a federation or a confederation.

I hoped that in this context we could also deal with the Kosovo problem. I still remember on that trip being in meeting with a group of Serbs from Kosovo and then with a group of Albanians. The Albanians that I met with were really very pleasant. As to the group of Serbs, I still remember afterwards saying that I felt that I would have to take a shower to wash off all of the venom that came out of them.

Q: Yes, the unwashed Serb is, I spent five years in Yugoslavia.

SCHIFTER: Oh, did you, when were you there?

Q: I was there '62 to '67, I took Serb and Croatia.

SCHIFTER: Oh, really? Okay.

Q: I was Chief of the Consular Section and you know I mean they pick up hatred from their mother's to their priest's mouth.

SCHIFTER: Well, the Croatians of course too. On the other hand, many of the Muslims were rather on the moderate side.

Q: Oh yes, oh they were.

SCHIFTER: They were not really Muslims. [Laughter]. As a matter of fact they were supposed to be the descendants of what has been called the Bogumil Heresy.

Q: Yes, yes, I remember I was in Bosnia as an Election Observer and I was near Tuzla and in Bosnia near, well anyway I was observing elections and I had a young man who had been a captain in the Bosnian army as my interpreter and he was a good Muslim and had he ever been in a mosque, no, but as we sat there eating pork and drinking beer [Laughter]. But, well anyway, well as you left in 2001, is that it?

SCHIFTER: Yes.

Q: Have you been sort of monitoring what the human rights bureau has been doing since then?

SCHIFTER: I haven't really. When I was back in the government I was in touch with Assistant Secretaries Shattuck and Koh from time to time.

Q: Okay, well I think this is probably a good place to stop.

SCHIFTER: Okay.

End of interview